

















LAWS  
OF  
NEW HAMPSHIRE

INCLUDING  
PUBLIC AND PRIVATE ACTS, RESOLVES,  
VOTES, ETC.

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EDITED BY HENRY HARRISON METCALF, LL. B., A. M.

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VOLUME FIVE  
FIRST CONSTITUTIONAL PERIOD  
1784-1792

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CONCORD, N. H.  
RUMFORD PRESS

1916



JOINT RESOLUTION RELATING TO THE PRESERVATION AND PUBLICATION OF THE EARLY STATE AND PROVINCIAL RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court Convened*

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate]<sup>1</sup> *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,*<sup>2</sup> fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

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STATE OF NEW HAMPSHIRE

TO WHOM IT MAY CONCERN:

This writing witnesseth that I, John McLane, Governor, in accordance with the provisions of the "Joint Resolution relating to the preservation and publication of portions of the early provincial records and other State papers of New Hampshire," approved August 4, 1881, and by virtue of the authority thereof, do hereby authorize Albert S. Batchellor, as Editor of State Papers, and on behalf of the State, to arrange, transcribe and superintend the publication of the laws of New Hampshire enacted between the 21st day of July, 1774, the date of the assembling of the first Revolutionary Provincial Congress in this Province, and the date when the Revised Statutes of 1792 took effect, whether such acts and laws may have been enacted by the Revolutionary Conventions, the Legislative bodies successively organized under the Constitution of 1776, or the General Courts organized under the Constitution of 1784, within the period above limited. The material derived from the records, documents and imprints assignable to the period above mentioned shall be divided for the purpose of publication into volumes of convenient size. They shall contain, in collections as nearly complete as practicable, the acts, public and private, and the resolves, corresponding to those published at the present time in the Session Laws, so called, the first volume including declarations of right, constitutions, acts and resolves in chronological order from July 21, to the end of a period which will yield sufficient copy for one volume. Succeeding volumes, arranged in like manner, shall be prepared and published in chronological order for consecutive periods yielding sufficient material to the time when said revision of 1792 took effect. The acts and laws of the Provincial Assembly which held sessions in the early part of the period above limited are not to be included in the publications hereby authorized.

There shall be included in said work such explanatory notes, citations, tables of contents, indexes, introductory statements and supplemental papers to be made a part of the volumes as may be deemed useful and appropriate.

This I deem proper to be done, and these instructions are given in accordance with the authority vested in me, as Governor, by the provisions of the Joint Resolution relating to the preservation and publication of portions of the State and Provincial records and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand in triplicate at Concord, this 7<sup>th</sup> day of December, 1906.

JOHN McLANE,  
Governor.

<sup>1</sup> The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881 by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

<sup>2</sup> By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

## THE STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF, ESQUIRE, GREETING:

KNOW YOU, That we, reposing especial trust and confidence in your Fidelity and Ability, have constituted and appointed you Editor and Compiler of Early Province and State Papers, Hereby giving and granting unto you, the said Henry H. Metcalf, all the power and authority given and granted by the Constitution and Laws of our State to an Editor and Compiler of said Papers, TO HAVE AND TO HOLD THE SAID OFFICE, With all the powers, privileges, and immunities to the same belonging, for the term of — years, from and after July 11, 1913, provided you are of good behavior during said term.

IN TESTIMONY WHEREOF, We have caused our seal to be hereunto affixed.

WITNESS, Samuel D. Felker, Governor of our State, at Concord, this 11th day of July, in the year of our Lord one thousand nine hundred and thirteen, and of the Independence of the United States of America the one hundred and thirty eighth.  
By his Excellency the Governor, with advice of the Council.

EDWARD N. PEARSON, *Secretary of State.*

## THE STATE OF NEW HAMPSHIRE

MERRIMACK SS.

July 14, 1913.

Then the said Henry H. Metcalf took and subscribed the Oath of Office as Editor and Compiler as prescribed by law.

Before us,

EDWARD N. PEARSON, } *Justices of the Peace.*  
ARTHUR L. WILLIS, } *Quorum Unus.*

## STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF,  
Editor of State Papers:

You are hereby authorized to arrange, transcribe, and superintend the publication of the laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, table of contents, and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881.

Given under my hand at Concord this 18<sup>th</sup> day of December, 1914.

SAMUEL D. FELKER  
*Governor*



## TABLE OF CONTENTS.

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Officers of the Government, 1784-1785.....	1
Legislation.....	6
Officers of the Government, 1785-1786.....	61
Legislation.....	65
Officers of the Government, 1786-1787.....	151
Legislation.....	155
Officers of the Government, 1787-1788.....	248
Legislation.....	251
Officers of the Government, 1788-1789.....	311
Legislation.....	315
Officers of the Government, 1789-1790.....	439
Legislation.....	442
Officers of the Government, 1790-1791.....	508
Legislation.....	671
Officers of the Government, 1791-1792.....	740
Legislation.....	743



## INTRODUCTORY NOTE.

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This Volume, the fifth in the Series embracing the laws of New Hampshire enacted during the Province and Early State Periods, issued from the office of the Editor of State Papers, by virtue of authority granted by successive Governors of the State, under the legislative joint resolution of August 4, 1881, contains the legislation enacted by the General Court of New Hampshire during what is designated as the "First Constitutional Period," between June, 1784 and June, 1792.

Volume 1, edited by Albert S. Batchellor, by authority of Governor George A. Ramsdell, ratified by Governor Chester B. Jordan, and issued in 1904, included the Provincial legislation from 1679, commencing with the administration of John Cutt and continuing till that of Joseph Dudley in 1702.

Volume 2, covering a period of forty three years, from 1702 to 1745, issued upon authority of Governor Frank W. Rollins, given in 1899, had been prepared, by Mr. Batchellor also, and was in press at the time of his death in June, 1913.

Volume 3, including the laws of the remainder of the Province Period, from 1746 to 1774, inclusive, edited by the present incumbent, upon authority granted his predecessor in office, Mr. Batchellor, by Governor John McLane, in 1906, was issued in 1915.

Volume 4, which includes the legislation of the Revolutionary Period—1776 to 1784—issued by the same authority—also edited by the present incumbent, appeared early the present year.

Volume 5, prepared under the same authority as Volume 4, which is now presented, covers what is properly known as the "First Constitutional Period," or the time in which the first regular Constitution of the State was operative, from June, 1784 to June, 1792, at which latter date the amendments of 1792 went into effect.

What is sometimes called the First Constitution, adopted by the Provincial Congress at Exeter on the 5th day of January, 1776, was in no true sense a Constitution, and did not purport to be such. It was merely a "form of government," and so styled, brief, crude and simple at that. It embodied no bill of rights, and made no reference at all to personal liberty, the rights of individuals, or the purposes of government, itself. It simply established a government and laid down a few plain, simple rules directing its operations.

New Hampshire, along with her sister colonies, during all this period, was engaged in the great contest with the mother country for the general right of independent self-government; and, while the struggle lasted, individual rights and personal controversies were lost sight of, in the overwhelming desire and determination to accomplish the object sought, so that through all this period of stress and conflict this simple form of government sufficed its purpose. The people were bound together in a community of interest, overshadowing all minor considerations, and had little time or thought for matters of personal concern or individual advantage.

But, when victory was achieved, war ended and the independence of the colonies established and acknowledged, a different order of things naturally developed. The personal relations of individual citizens, and civil and property rights and interests, began to command attention, and the inadequacy of existing government came to be generally recognized.

When, therefore, the Constitutional Convention, called by vote of the legislature, April 6, 1786, to meet "for the sole purpose of forming & laying a permanent Plan or system of Government for the future happiness and well being of the good people of this State" (the work of a previous convention, submitted in 1779, having been overwhelmingly rejected) submitted its third report of a constitution or frame of government—two others having been successively rejected—the people had reached the point at which a change was regarded necessary, and a more comprehensive form of government requisite to their welfare and progress. So this Constitution, adopted by the Convention in June, 1783, and submitted for their approval, was duly ratified by the people, and finally established by the Convention, to go into effect on the first Wednesday in June, 1784.

During this First Constitutional Period, from June, 1784, till June, 1792, when various important amendments went into effect (though no new Constitution was adopted, as is sometimes supposed) the legislature devoted itself mainly to the framing of laws designed to promote the material welfare of the people of the State, as was the case with the legislatures of other states. The independence of the colonies having been established, and each acknowledged as a free and sovereign state, each, through its legislature, devoted itself, primarily, to the promotion of its own interests and those of its people; yet it was by no means always an easy matter to determine just what was best for the people themselves. The "money question," as has often been the case in later years, was one of the most disturbing elements in the situation. The long war had left the people impoverished, burdened with debt, and, everywhere, suffering grievously in consequence. Then, as in subsequent periods of "hard times" and financial stress,



there was a loud cry for more money. It was demanded that the legislature provide for the emission of paper bills of credit, to be made a legal tender for all debts, private as well as public. The agitation was constant and exciting; the demands of creditors clamorous and pressing, and the calm judgment of men in many cases overcome by their own needs and the dire necessity of many about them.

The legislature went as far as it consistently could in devising measures of temporary relief; but felt itself unable to satisfy popular clamor with due regard for the oaths of members and the ultimate good of the State. The demands continued to increase in volume, however, as times became harder and burdens more intolerable, till, finally, open revolt, and overt acts of intimidation were resorted to, and, in September, 1786, an armed mob gathered at Exeter, surrounded the church in which the legislature was holding its sessions, and demanded compliance with its wishes. Threatened violence, however, failed to produce the desired effect. The legislature was not overawed, and though the clamorous mob remained in the vicinity it scattered in flight the next day upon the appearance of the militia, which had promptly responded to the summons of the President of the Council. Though they might have been severely punished, the captured ringleaders were leniently dealt with; and, startled doubtless by the outcome of their clamor, the discontented element largely ceased their outcries against the government, so that peace and good order generally prevailed. Finally the legislature passed an act providing for an issue of paper bills of credit, as desired, on condition that the same be approved by direct vote of a majority of the people. This was the first important instance, in the history of the State, of resort to the referendum, so widely clamored for in these later days, and the result was that the sober sense of the majority pronounced against the proposition and the scheme died then and there, and was never revived in New Hampshire. In the House of Representatives, January 4, 1787, the question being submitted—"Can the legislature, consistently with the Constitution and their oaths, pass an act making paper bills of credit a tender to discharge private contracts made prior to the passing such act?"—the house voted unanimously in the negative, and at the same time it was voted not to emit paper money upon any plan.

Up to this period there was, of course, no well developed judiciary system in existence in the State, and no established course of probate procedure. People had frequent recourse to the legislature for the protection of their rights and redress of grievances, and the records show that the attention of that body was occupied to no small extent in the enactment of special measures of private concern, designed to preserve, protect, maintain or restore the personal or property rights of individuals.

As indicative of the growth and development of the interests of travel and transportation, and, incidently, of commercial progress, may be noted the numerous grants of ferry privileges, across the Connecticut and Merrimack rivers, made by the legislature during this period. The labor and expense, involved in the construction of bridges, was too great to be indulged in to any considerable extent, and ferries had to be established and maintained quite generally, in those days, and the privilege of keeping a ferry seems very often to have been regarded as a source of substantial revenue. Another indication, of the same purport, is found in the large number of acts passed authorizing towns to levy taxes, upon lands, resident and non-resident, for the purpose of building and repairing highways and bridges.

Until the Federal Constitution went into effect, in 1789, the states had jurisdiction over all matters of foreign commerce, and everything affecting industrial and business development, which accounts for the fact that we find legislative enactments, during the earlier years of this period, levying various duties and imposts, granting monopolies, and offering special inducements to those who should engage in various lines of manufacture. Some of these acts, designed to promote local manufacturing, contain provisions that smack more strongly of paternal government and the protective principle than would be sanctioned or tolerated, at the hands of the Federal government, by men of any party at the present day. Under the articles of Confederation, by which the states were united, the powers of Congress were limited, and those of the several legislatures of broader scope, than under the Constitution, framed by the Federal Convention of 1787, which became operative through its ratification by the New Hampshire Convention in June, 1788, by a vote of fifty-seven to forty-six, after much discussion and deliberation.

Under the state constitution, as operative from 1784 to 1792 inclusive, the chief executive was styled "President." He was charged with administrative powers alone, having no voice in or control of legislation, except as the legislature, or General Court, might be influenced by his recommendations. No power to veto legislative action was conferred upon him. Meshech Weare, biographical mention of whom was made in the introductory note to Volume 4, who had been President of the Council, and chief executive during the entire Revolutionary period, was the first President elected under the Constitution, but served only one year, being then in feeble health. He was succeeded by John Langdon, who held the office one year, from June, 1785, when he, in turn, was succeeded by John Sullivan, who was reelected, serving two years, when John Langdon again came in for a year. Sullivan then again succeeded Langdon, who gave place a

year later, June, 1790, to Josiah Bartlett, who held the office till June, 1792.

JOHN LANGDON was a native of Portsmouth, born June 25, 1741, and was educated in the grammar school there, under the instruction of Major Samuel Hale. After leaving school he entered the store of Daniel Rindge, a leading merchant, as an apprentice. After serving his term there he went to sea, serving as supercargo for a time, and afterward as master and owner of a vessel, continuing in this line with much success till the opening of hostilities between the colonies and the mother country, when he devoted his time, energies, and means to the cause of the former. He was engaged with John Sullivan as a leader in the daring enterprise of the assault upon Fort William and Mary at New Castle, in December, 1774—the first overt act of rebellion against the British government—which resulted in the capture of cannon and gunpowder, of which some of the latter was supplied to the patriot forces who fought at Bunker Hill. He was a delegate to the General Congress in 1775 and 1776, and a representative in the State legislature from Portsmouth, and Speaker from 1776 till 1782. He was also, for a time, an agent for the Continental Navy, and several vessels of war were built under his direction at Portsmouth, including the *Raleigh*, *Ranger*, *America* and *Portsmouth*. Meanwhile, he was actively interested in military affairs, and was the commander of an independent company of cadets. When the call came for help in resisting Burgoyne's invasion, he was prompt to respond, and from means which he personally supplied, Stark's expedition, which resulted in the battle and victory of Bennington, was mainly fitted out. He also served in command of a volunteer company under General Gates at Saratoga, and was with Sullivan for a time in the Rhode Island campaign.

In 1783, Colonel Langdon was a delegate in the Continental Congress; in 1784 and 1785 a member of the State Senate, and in June of the latter year entered upon his first term as President of the State, serving one year, and again, as has been stated, one year, from June, 1788. Meanwhile, he also served as a delegate from New Hampshire in the Convention at Philadelphia which framed the Constitution of the United States, and as a member of the State Convention by which it was ratified. Elected to the legislature again from Portsmouth, he was Speaker of the House at the time when the canvass of votes showed his second election as President. In November following he was chosen a Senator from New Hampshire in the Congress of the United States, was the first president *pro tem* of the Senate, and in that capacity, after the canvass of the vote was made, had the honor of declaring General George Washington elected President of the United States, and personally notified him of his election. He served

twelve years in the Senate, and upon the completion of his last term in 1801, returned to the state legislature, serving from 1801 to 1805 inclusive, the last two years as Speaker of the House. Again from 1805 to 1808 inclusive, and from 1810 to 1812 he was Governor of the State. He died, September 18, 1819. No man of his own or any later time, in the State of New Hampshire, enjoyed greater measure of civic honor or bore the same more worthily, than JOHN LANGDON. The erection of some appropriate and enduring monument to his memory is a duty of the State far too long neglected.

GENERAL JOHN SULLIVAN, who succeeded John Langdon as President of the State in 1786, serving two years, and again, for a year, in 1789, although eminent in civil affairs, was more distinguished in military service. While his birthplace has been given by some historians as Berwick, Me., John Scales of Dover, a well known historical student and writer who has given the matter careful study and thorough investigation, states that General Sullivan was born February 18, 1740, in the parish of Somersworth, then a part of the town of Dover. When Somersworth was divided in 1849, the locality was included in that portion which became the town of Rollinsford, and is in the region of the present Rollinsford Junction. His father, John Sullivan, sometimes called "Owen," was a noted schoolmaster, and from him his early education must have been mainly derived. He studied law and settled in practise in the town of Durham, which remained his home till death. He took an active interest in military affairs, and had attained the rank of Major in the Provincial militia as early as 1772. He was an earnest opponent of British tyranny, and among the first to advocate resistance to the same. He was a delegate in the Continental Congress in 1774, and led the demonstration against Fort William and Mary in December of that year. Again a delegate to Congress, in 1775, he was appointed by that body a brigadier general in the Continental army, June 22, and was in command of the troops stationed on Winter Hill, during the siege of Boston. The following year he was made a major general and was in the service on Long Island where he was taken prisoner; but on being exchanged, joined the army in Canada, where he was in command for a time after the death of General Thomas; but was soon transferred to the main army under Washington, and rendered distinguished service at Brandywine and Germantown. In 1778 he was in command in Rhode Island, coöperating with the French fleet, and in the following year was selected by Washington to lead the daring and successful expedition against the hostile Indians of the Six Nations in Western New York, utterly routing them, and destroying their power for harm. This campaign was regarded as one of the most brilliant and effective in the entire Revolutionary contest, as these Indians, impelled by agents



of the British government, had been a source of constant annoyance to the colonists. In November, 1779, he resigned from the army, and was a delegate in Congress the following year, meanwhile serving as the agent of the State in the settlement of the Vermont boundary. He was a delegate again in 1781, and on June 21, 1782, was made Attorney General of the State, and served till 1786; also as Major General of the militia for the last two years. He was a member and Speaker of the House of Representatives in 1785, and again in 1788, in which latter year he was also a member and president of the State Convention which ratified the Constitution of the United States. In 1789 he was a presidential elector. In September of that year, while yet President of the State he was appointed Judge of the United States District Court for New Hampshire, which office he held till his death, January 23, 1795.

General Sullivan was an able lawyer and a brilliant advocate, and a military commander of courage and sagacity in whose judgment and valor Washington placed great reliance. His memory is well worthy the memorial statue whose erection in the State House park has been ably advocated in the past. As a soldier he was the peer of Stark; as a statesman the worth colleague of Langdon and Weare.

DR. JOSIAH BARTLETT, who served as President of the State for two years, succeeding General Sullivan in 1790, and as the first Governor, under the amended Constitution, for two years following, was a native of Amesbury, Mass., born November 21, 1729, the son of Stephen, who married a Miss Webster of the celebrated family of which the great "expounder of the Constitution" was a scion. Having mastered the rudiments of the languages, at sixteen he commenced the study of medicine with Doctor Ordway of Amesbury, and at the age of twenty-one settled in practice in the town of Kingston, N. H., where he continued until death. He is said to have been original in his methods of practice, departing widely from the old school. He first introduced Peruvian bark into medical use in 1754. He was also as independent in theology as in professional practice and repudiated Calvinism and its horrors early in life.

Doctor Bartlett took an active part in public affairs in his town, and was elected its representative in the Assembly in 1765, continuing till the Revolution. He early espoused the patriot cause, and opposed the royalists and their measures, in the legislature, with great vigor. Recognizing his ability, the Governor sought to win his support by various appointments, including that of Lieutenant Colonel, but without avail, and finally deposed him from such office. He was a member of the Committee of Safety through the Revolution, and a delegate in the Continental Congress in 1775 and 1776, being the first man to vote for Independence, and the first after President Hancock to sign

the Declaration. He resigned as a delegate to become Naval agent. He was with General Stark in the Bennington campaign, in charge of medical supplies. He was again a delegate in Congress in 1778, and in 1779, but resigned in the latter year to accept the position of Chief Justice of the Court of Common Pleas. In 1782 he became a Justice of the Superior Court, and Chief Justice in 1790, resigning to take the office of President. His interest in the medical profession continued unabated through life. He was the leader in the organization of the New Hampshire Medical Society, was its first president, and held the office for many years. A statue of Doctor Bartlett ornaments a public square in his native town of Amesbury, Mass. The adopted State, which he served so loyally and well, might properly accord his memory equal honor.

The four men who served New Hampshire, as chief magistrate, during the first Constitutional Period, have not been surpassed in ability, or in patriotic devotion to the welfare of the people, by any of their successors, or any others who have served the State in any capacity. Regardless of material monuments, the names of Weare, Langdon, Sullivan and Bartlett will live in history, and in the hearts of the people, as long as the State itself endures.

HENRY HARRISON METCALF.

*August, 1916.*

# LAWS OF NEW HAMPSHIRE

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## FIRST CONSTITUTIONAL PERIOD.

### [FIRST GENERAL COURT.]

*[Held at Concord, Exeter and Portsmouth, Three Sessions, June 2, 1784, to February 25, 1785.]*

### [OFFICERS OF THE GOVERNMENT.]

MESHECH WEARE, PRESIDENT OF THE STATE.

EBENEZER THOMPSON, SECRETARY.

JOHN TAYLOR GILMAN, TREASURER.

WOODBURY LANGDON, PRESIDENT OF THE SENATE.

GEORGE ATKINSON, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

### [MEMBERS OF THE COUNCIL.]

John McClary,	Epsom.
Francis Blood,	Temple.
Joseph Badger,	Gilmanton.
Nathaniel Peabody,	Atkinson.
Moses Chase,	Cornish.

### [MEMBERS OF THE SENATE.]

Woodbury Langdon, President, Portsmouth.

John Langdon, Portsmouth.

Chosen by Senate in place of John Dudley  
who declined to accept.

Joseph Gilman,	Exeter.
John McClary,	Epsom.
Timothy Walker,	Concord.
John Wentworth,	Dover.
Ebenezer Smith,	Meredith.
Francis Blood,	Temple.
Matthew Thornton,	Merrimack.
Simeon Olcott,	Charlestown.
Enoch Hale,	Walpole.

Chosen in place of Benjamin Bellows who  
declined to accept.

Moses Dow,	Haverhill.
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## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Atkinson, }	Nathaniel Peabody.
Plaistow, }	Levi Morrill.
Brentwood,	Nathaniel Emerson.
Candia,	
Canterbury, }	Jeremiah Clough.
Northfield, }	John Underhill.
Chester,	
Chichester, }	John Cram.
Pittsfield, }	Timothy Walker.
Concord,	Jeremiah Eastman.
Deerfield,	Seth Fogg.
Epping,	Jedediah Jewett.
Exeter,	Christopher Toppam.
Hampton,	
Hampton Falls, }	Jonathan Leavitt.
Seabrook, }	
Hawke, }	Reuben Clough.
Sandown, }	Moses Shaw.
Kensington,	John Eastman.
Kingston,	Daniel Runnels.
Londonderry,	Archibald McMurphy.
	Nathan Batchelder.
Loudon,	Samuel Jenness.
Newcastle, }	Ephraim Pickering.
Rye, }	James Hill.
Newington,	Moses Leavitt.
Newmarket,	Thomas Bartlett.
North Hampton,	Jacob Butler.
Nottingham,	Samuel Daniels.
Pelham,	George Atkinson.
Pembroke,	George Gains.
Portsmouth,	John Pickering.
	John Scribner.
Raymond, }	John Allen.
Poplin, }	
Salem,	Joseph Merrill.
South Hampton, }	Mark Wiggin.
East Kingston, }	James Betton.
Stratham,	
Windham,	

## STRAFFORD COUNTY.

Barnstead,	}	Thomas Tash.
New Durham,		
New Durham-Gore,		
Barrington,		Joshua Foss.
Conway,	}	
Eaton,		
Burton,		
and Location,		David Page.
Dover,		James Calfe.
Durham,		Ebenezer Smith.
Gilmanton,		Joseph Badger.
Lee,		James Brackett.
Moultonborough,	}	
Tuftonborough,		
Wolfeborough,		Bradbury Richardson.
Ossipee-Gore,		
Rochester,		James Knowles.
Sanbornton,		John Sanborn.
Sandwich,	}	
Tamworth,		Daniel Beede.
Somersworth,		Jonathan Wentworth.
Wakefield,	}	
Middleton,		
Effingham,		David Copp.

## HILLSBOROUGH COUNTY.

Amherst,		Robert Means.
Dunbarton,	}	
Bow,		David Storey.
Dunstable,		Benjamin French.
Fishersfield,	}	
Perrystown,		
Warner,		Francis Davis.
Goffstown,		Robert McGregore.
Hancock,	}	
Antrim,		
Deering,		John Duncan.
Henniker,	}	
Hillsborough,		Robert Wallace.
Hollis,		Daniel Emerson.
Hopkinton,		Aaron Greeley.
Lyndeborough,		Levi Spaulding.
Merrimack,	}	
Bedford,		
New Ipswich,		James Martin.
Nottingham-West,		Ephraim Adams.
		Samuel Marsh.

Peterborough, }	Matthew Wallace.
Society Land, }	
Raby, }	Benjamin Mann.
Mason, }	Matthew Pettingill.
Salisbury, }	
Temple, }	Frances Cragin.
Peterborough Slip, }	
Weare, }	Jonathan Dow.
Wilton, }	Philip Putnam.

## CHESHIRE COUNTY.

Acworth, }	David Grout.
Lempster, }	
Marlow, }	Amos Shepard.
Alstead, }	Elijah Grout.
Charlestown, }	Samuel King.
Chesterfield, }	Benjamin Sumner.
Claremont, }	
Cornish, }	Moses Chase.
Grantham, }	
Dublin, }	Reuben Morse.
Packersfield, }	William Smiley.
Jaffrey, }	Benjamin Hall.
Keene, }	
Marlborough, }	Samuel Kendall.
Fitzwilliam, }	
Newport, }	Stephen Powers.
Croydon, }	Oliver Capron.
Richmond, }	Jacob Copeland.
Stoddard, }	
Washington, }	Lemuel Holmes.
Surry, }	
Gilsom, }	Elisha Whitcomb.
Swanzy, }	Joseph Wilbur.
Westmoreland, }	Simon Willard.
Winchester, }	

## GRAFTON COUNTY.

Bath, }	
Lyman, }	
Gunthwaite, }	
Apthorp, }	
Lancaster, }	John Young.
Northumberland, }	
Stratford, }	
Dartmouth, }	
Colburne, }	
Cockburne, }	

Enfield,	}	William Ayers.
Canaan,		
Cardigan,		
Dorchester,		
Grafton,	}	Russell Freeman.
Hanover,		
Haverhill,		
Piermont,		
Warren,	}	Timothy Bedel.
Coventry,		
Holderness,		
Campton,		
Thornton,	}	Moses Baker.
Morristown,		
Lebanon,		
Lyme,		
Orford,	}	Elisha Payne.
New Chester,		
Alexandria,		
Cockermouth,		
Plymouth,	}	Jonathan Child.
Rumney,		
Wentworth,		
		Carr Huse.
		Joseph Senter.

[*First Session, Held at Concord and Exeter, June 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 1784.*]

[CHAPTER 1.]

*State of*  
*New Hampshire* }

AN ACT TO ENABLE TIMOTHY WALKER ESQR. AS GUARDIAN OF PAUL ROLFE TO SELL & CONVEY CERTAIN LANDS BELONGING TO HIS SAID WARD, FOR HIS SUPPORT & EDUCATION.

[Passed June 10, 1784. Original Acts, vol. 9, p. 62: recorded Acts, vol. 4, p. 557.]

Whereas Timothy Walker of Concord in the county of Rockingham and State aforesaid Esquire, Petitioned the General Court for said state, setting forth, that, he about eight years since, was duly appointed guardian of the person and estate of Paul Rolfe of Concord aforesaid, a minor of about twelve years of age; that all the personal estate of the said minor, except some money in the public funds was expended, that said ward owns certain wild lands situate in this state, the sale whereof was necessary in order to raise money for the support and education of said ward: Wherefore the said guardian prayed that he might be empowered to sell and convey said lands for the purposes aforementioned, he giving bond to the Judge of Probate for said county to account for the proceeds of such sale. The facts in said petition being established and the prayer thereof appearing reasonable, Therefore, Be it enacted by the Senate & House of Representatives in General Court convened, That the said Timothy Walker be & hereby is fully empowered as Guardian to sell and convey so much of said wild lands as may be necessary for the purposes of defreying the expenses of supporting and educating said ward agreeably to his rank and degree, and likewise for paying the reasonable charges of said guardian. And the said guardian is hereby farther empowered, for the aforementioned purposes, to make execute and acknowledge in due form of law, any deed or deeds of said lands or any part thereof as occasion may require, and thereby as guardian aforesaid, to convey all the right & title of his said ward to the lands which may be so sold.

Provided nevertheless, the said guardian shall prior to any such sale, give Bond with sufficient Sureties in a reasonable sum, to the Judge of Probate for said county, to account for the monies arising from the sale of said lands, in like manner as guardians in other cases, are by law bound to do.—



## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO VACATE A DEED GIVEN BY ROBERT MACKLIN TO  
RICHARD FOSS OF CERTAIN LAND IN BRINTWOOD.

[Passed June 11, 1784. Original Acts, vol. 9, p. 63; recorded Acts, vol. 4, p. 559.]

Whereas Robert Macklin of Brintwood in the county of Rockingham and State of New Hampshire yeoman, Petitioned the General Court setting forth, that the said Robert in consideration that, Richard Foss of said Brintwood Yeoman had agreed to support the said Robert & his wife during their natural lives, made and executed to the said Richard a deed dated on or about the second day of December AD 1773 of all the said Robert's lands in Brintwood containing about Sixty acres with the buildings and appurtenances thereof, which deed was deposited in the hands of John Pickering esqr at the time of its execution and has remained there ever since, That the said Richard did by a certain writing by him signed engage and promise the said Robert that the said Richard would support & maintain, the said Robert and his wife as long as they should live and pay all the rates assessed on said lands, in consideration of said deed, and in case the said Richard should not, that, the same deed should be null and void; that the said Richard never performed his said promise—that sometime afterwards he went into the army where he died—that the said Robert and wife being destitute of all means of support had been obliged to sell & convey the same lands for their subsistence, and that as the deed aforesaid was made without any consideration, the said Robert prayed the same might be made void—After a full hearing, the facts in said petition being proved and the prayer thereof appearing reasonable, Therefore, Be it Enacted by the Senate and House of Representatives in General Court convened, That the said Deed be and hereby is declared and made null and void

## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR PAYING THE INTEREST, AND SINKING PART OF THE PRINCIPAL OF THIS STATE'S DEBT.

[Passed June 11, 1784. Original Acts, vol. 9, p. 64; recorded Acts, vol. 4, p. 573. Laws, 1780 ed., p. 324; id. 1789 ed., p. 222.]

Whereas the payment of public taxes would be greatly facilitated, were certificates allowed to be received in part discharge thereof; Therefore, Be it Enacted by the Senate & House of Representatives in General Court convened, That, the Treasurer of this State be empowered and directed to issue Certificates for the interest due on all Securities for Monies borrowed by this State; and also that, the Loan-officer issue Certificates for the interest due on all monies loaned at said office in this State, belonging to the inhabitants thereof, calculating the Interest due on said Loan office Certificates until the 28<sup>th</sup> day of February last, according to the Continental Scale of depreciation.

And that the said Treasurer is hereby further empowered and directed to issue Certificates to the amount of Fifteen Per Cent. on the principal of all State-Securities, owned by the inhabitants thereof, in case the owners of such securities request the same. And all said last mentioned Certificates shall be received by the Treasurer of this State and Collectors of the taxes thereof, for all Taxes due to this State prior to the present year; and that said last mentioned Certificates be worded accordingly—Provided nevertheless, that, this Act shall not be in force until the 31<sup>st</sup> day of July next.

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR RAISING THE SUM OF TWENTY FIVE THOUSAND POUNDS FOR THE USE OF THIS STATE THE PRESENT YEAR.—

[Passed June 11, 1784. Original Acts, vol. 9, p. 65; recorded Acts, vol. 4, p. 560. Laws, 1780 ed., p. 323.]

Whereas it is necessary that a sum should be raised to discharge the interest of publick securities of this State, as also the interest of certain Loan office certificates issued, and owned in this State, and also to pay the current charges of Government the present year.—

Be it therefore Enacted, by the Senate, and House of Representatives in General Court convened; That there be, and hereby is granted for the current year, the sum of twenty five thousand pounds, which sum is to be paid into the Treasury of this State, and appropriated to the following purposes namely, eight thousand pounds for the payment of interest on publick securities of this State; seven thousand pounds for payment of interest on loan office certificates issued, and owned in this State; and ten thousand pounds for the current charges of Government the present year.

And the Treasurer is hereby directed to issue his warrants to the Selectmen, or Assessors of the several Towns, Parishes, & Districts within this State, according to the proportion act made the present year for assessing, and collecting the said twenty five thousand pounds; and the said Selectmen or Assessors are hereby respectively required to assess, and levy the same according to law, and cause the same to be paid into the Treasury of this State by the first day of March next.—

And the said Assessments shall be made according to each person's poll and ratable Estate, which he possessed on the first day of April last—And certificates, for interest drawn by the Treasurer, or Continental loan officer, of this State, and orders drawn by the President on said Treasurer, shall be received in payment of said Tax, as well by Collectors, as by the Treasurer aforesaid.—

## [CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH AN EQUITABLE METHOD OF MAKING RATES AND TAXES AND DETERMINING WHO SHALL BE LEGAL VOTERS IN TOWN AND PARISH AFFAIRS AND ALSO FOR REPEALING CERTAIN ACTS HEREIN AFTERMENTIONED.

[Passed June 12, 1784. Original Acts, vol. 9, p. 66; recorded Acts, vol. 4, p. 562. Laws, 1780 ed., p. 324. See additional act of November 9, 1784. This act repeals the acts of July 2, 1776, November 29, 1777, May 23, 1778, and March 16, 1780. Repealed by act of February 7, 1789.]

Whereas it is necessary there should be an equitable rule established by law for making Rates and Taxes within this State, so that every person may be compelled to pay in proportion to his income; and also for ascertaining who shall be legal Voters in Town and Parish Meetings.—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened, That henceforward all public Rates and Taxes shall be made and assessed in propor-

tion to the amount of each person's poll, rateable Estate and faculty, which shall be as follows viz all male polls from eighteen years old, and upward shall be estimated at ten shillings each, all male Slaves from eighteen years old to forty five ten shillings each, all female Slaves from sixteen years old to forty five, five shillings each, Horses and Oxen four years old and upward, three shillings each; Cows four years old and upward two shillings each; Cattle and Horses two years old one shilling each, Cattle and Horses one year old six pence each; (no Cattle or Horses to be accounted one year old until they have been wintered two winters:) all improved lands to be estimated as follows viz, orchard one shilling and six pence per Acre, accounting so much for an acre, as will produce ten Barrels of Cyder or Perry, one year with another; Arable land one shilling per Acre accounting so much land as will generally produce twenty five bushels of Indian Corn or other grain equivalent per year, to be one Acre: Mowing land one shilling per acre, accounting so much land for one acre, as will produce one year with another one tun of english Hay or other Hay equivalent: Pasture land at five pence per Acre, accounting so much land as will summer a Cow, to be four acres: All Mills, Wharves, and Ferries shall be estimated at one twelfth part of their net yearly income: And all other buildings and the unimproved lands owned by Inhabitants, and the Buildings of Non Residents to be taxed at the rate of half of one per Cent according to the real value thereof: all stock whether it be money in hand, or at interest, more than the owner gives interest for (except what is due on public Securities) and all money improved in trade shall be estimated at the rate of half one per Cent, and any persons faculty may be estimated by the Selectmen and Assessors of each Town and Parish within this State or by either, where both are not chosen, at their discretion not exceeding ten pounds ratable Estate; saving a right of appeal to the Quarter Sessions in all cases except the one herein aftermentioned, to any person grieved by such estimation, and no State Town or Parish tax shall be held legal, but such as shall be made according to the foregoing proportion.—Provided Nevertheless this act shall not affect any Parish taxes where particular laws authorise a different mode for making them, nor shall it extend to, or affect any proprietary taxes.—

And the Selectmen of each Town and Parish within this State in the month of April annually, shall take an invoice of each person's poll and Estate, in manner aforementioned.—And in case any person shall remove to any other Town or Parish after the invoice is taken he shall pay his tax that year where his invoice was first taken—And if any person or persons not belonging to this State shall come to reside or inhabit in any Town, or Parish within the same, for the benefit of trading, although for

a less time than one year, such person or persons shall and may be assessed one year's Rate for his or their polls, and such stock as he or they may bring or have in trade at the time of making his or their rates, whether on their own account or on Commissions.

Every Male Inhabitant of twenty one years old and upward, paying taxes shall be deemed a legal Voter in all affairs of the Town or Parish where he dwells;—and if any person or persons in any of the Towns or Parishes in this State, shall refuse to render an account on oath (if required) which oath any Selectman may administer of his or their ratable Estate, the Selectmen or the major part of them may set down to such person or persons as much as they shall judge equitable by way of doomage, and make their Rates or taxes accordingly; From which doomage there shall be no appeal, unless such person or persons are unable to exhibit such account and are ready to make oath that is really the case.—

And be it further Enacted by the authority aforesaid that the Inhabitants of Portsmouth in this State shall exhibit to the Selectmen thereof annually, at such time and place as they shall appoint, within the term aforesaid, each one a just and true account of his poll and ratable Estate according to this act; and the several parishes in the said Town of Portsmouth shall have liberty at their Parish meetings to raise their Ministerial and Parochial taxes in any manner they shall judge proper, And the Selectmen and Church Wardens of the several Towns and Parishes within this State shall have liberty to make abatements of any person's Rates, as shall or may appear to them to be equitable and just.—

And be it further Enacted by the authority aforesaid that the Selectmen of the several Towns and Parishes in this State, in taking their respective invoices of Polls and Estates for the current year shall take them according to what ratable Estate the respective ratable Inhabitants were possessed of in the month of April last past.—and in future shall take the said invoices according to what ratable Estate the said Inhabitants shall have, or be possessed of, on the first day of April annually.—

Be it further Enacted by the authority aforesaid That it may, and shall be lawful for the Selectmen or assessors of the several Towns and Places within this State, to assess all unimproved lands, owned by Non-Residents in their respective Towns and places, their just proportion of the State and County Taxes, which assessment shall be made by the said Selectmen or Assessors annually; at the times of assessing the polls and Estates of the Inhabitants of their respective Towns and Places, estimating the said lands in the same manner as is directed in this act for buildings, and unimproved lands, owned by the residents.—

And Whereas the mode of collecting taxes, so assessed on the

lands of Non-Residents, should be made as plain and as little expensive as possible.—

Be it therefore Enacted, by the authority aforesaid, That in all Towns and Places where the owners of any such lands are not resident therein, and are known, they shall be assessed for the taxes aforesaid in proportion to their interest—And in case the owners of such lands are unknown, then the same lands shall be assessed in the name of the original proprietor, or owner thereof; and each lot and undivided land belonging to such proprietors or owners share shall be set down separately in the list of Rates and taxes;—and the said assessment being made as aforesaid, and the same being delivered to the Constable or Collector of the Town or place wherein the same lands lie the said Constable or Collector shall forthwith forward to some one person residing in Exeter, to be appointed by the General Court, for the purpose of receiving the same, a copy attested by the Selectmen or assessors of the list of taxes, laid on the unimproved lands of Non Residents, within his Town or place, viz. the owner's name if known, and if unknown, the Name of the original proprietor, or owner, together with the number of lots, quantity of land, and the several sums at which the said lands shall be assessed viz. the State and County taxes, in separate columns; and the said person so appointed at Exeter aforesaid shall immediately advertise three weeks successively in the New Hampshire Gazette, and also in one of the Boston Newspapers, thereby informing all persons concerned, that he has received said list, and requiring such owner or proprietor to pay his tax to him, or to the Constable or Collector of the Town or Place wherein the lands lie, within eight weeks; notifying also that in default thereof, so much of the lands of each delinquent proprietor or owner, will at the end of said eight weeks be advertised for sale, as will pay said taxes and all legal charges; and the said person so appointed at Exeter aforesaid, is hereby authorised to receive the same, and the sum of five p<sup>r</sup> Cent for his trouble, for all sums by him so collected, and at the end of said eight weeks, he shall as soon as may be return a Copy of said list to the Constable or Collector from whom he received it, retaining in his hands the copies so attested by the Selectmen or assessors, specifying who have paid their taxes, and who are delinquent; and at the same time forward to the said Constable or Collector the money he hath collected belonging to said town or place for the County taxes, and the residue thereof pay to the treasurer of this State for the use thereof, taking the Treasurer's receipt therefor in behalf of said Town or Place, After which the said Constable or Collector shall advertise so much of the Delinquent proprietor's or owner's land for sale as will pay said taxes with necessary incidental charges, giving three weeks notice of such sale at least, by publishing

the same in the Newhampshire Gazette, and also by posting up a like advertisement for the term aforesaid in some public place, in the Town or Place wherein the lands advertised for sale lie, and in the two adjacent Towns.—And in case the said Delinquent proprietor or owner shall neglect to pay the aforesaid taxes laid on his her, or their land with the necessary incidental Charges to the said Constable or Collector before the sale, then the said Constable or Collector shall on the day appointed proceed to make sale at public auction, of so much of the Delinquents land as will pay said taxes with the necessary incidental charges; Provided the sale be made between the hours of ten of the Clock in the forenoon, and six of the Clock in afternoon.—And the said Constable or Collector is hereby authorised to execute a valid conveyance of the land so sold to the purchaser.—

Provided nevertheless and be it further Enacted, That each Non-Resident aforesaid, his heirs or assigns, shall have the liberty of redeeming any of his lands sold as aforesaid, at any time within the term of six months after the sale thereof as aforesaid paying or tendering to the purchaser a sum amounting to the real value for which the land was sold, the interest therefor until the time of payment or tender as aforesaid, together with the cost of the Deed or Deeds and recording if any such Deed be given and recorded; The mode for redeeming said lands shall be the same as the laws prescribe for the redemption of lands mortgaged.—

And Whereas it often happens that more than one person is interested in a right, or proprietor's Share of land or some one lot, part of such share held in common and undivided, and one or more being owner or owners in such land shall pay his, her, or their proportion of taxes according to their interest and some other owner or owners in the same lands being Delinquent in paying their proportion of such taxes, shall occasion some part of such lands to be sold for the unpaid taxes.—

Therefore Be it Enacted, That all lands sold in such cases, shall be deemed, judged, and taken, as part of the interest or share of the Delinquents according to the quantity and quality of the whole—

And be it further Enacted, that all appropriated tracts of lands, either Towns, or Locations lying within this State, not mention'd in the proportion act shall be valued at the rate of one shilling and six pence ratable Estate for each hundred Acres, being an averaged proportion to all other unimproved lands taxed within this State (said lands being subjected to the State taxes only) and the Treasurer for said State, for the time being, shall at the time of issuing his warrant annually for the public taxes, give public notice in the Newhampshire Gazette, and in some one of the Boston Newspapers, of the tax on said

lands, which shall be proportioned by the General Court as near as may be, to the sum order'd to be raised agreeably to the Supply Bill for the then current year, requiring the owners of said lands to pay the same into the Treasury of said State; at the same time, that other Non Resident proprietors are ordered to pay their respective taxes, and if the same are not paid accordingly so much of their lands will be sold, as will pay said tax with necessary incidental Charges; and if said tax shall not be paid by the time prescribed, The Treasurer shall and hereby is empowered to sell so much of said Delinquents land at Public vendue as will pay the said Tax with necessary incidental Charges; first advertising the time and place, in the Newspapers aforesaid three weeks successively; And upon sale of any such lands to make a valid conveyance thereof to the purchaser saving to the owner the right of redemption as before-mentioned.—

And Whereas the following Acts have not answered the important ends for which they were designed—Therefore Be it Enacted by the authority aforesaid, that the act intituled “An Act to establish an equitable method of making Rates, and taxes and determining who shall be voters in Town and Parish affairs, passed the 2<sup>d</sup> day of July 1776,—The act entitled “an act in addition to an act intituled an act to establish an equitable method of making Rates & taxes and determining who shall be legal voters in Town and parish Affairs passed 29<sup>th</sup> day of November 1777” The act intituled an act altering the mode of collecting taxes prescribed in an act, intituled an act, in addition to an act, intituled an act to establish an equitable method of making Rates and Taxes, and determining who shall be legal Voters in Town and Parish affairs passed 23<sup>d</sup> day of May 1778” Also the act intituled an act for repealing two certain acts of this State viz one passed November 29<sup>th</sup> 1777, intituled “an act in addition to an act, intituled an act to establish an equitable method of making Rates and taxes and determining who shall be legal Voters in Town and parish affairs passed the second day of July 1776—And an act passed May the 23<sup>d</sup> 1778 intituled “an act, altering the mode of collecting taxes prescribed in an act intituled an act in addition to an act intituled an act to establish an equitable method of making Rates and taxes and determining who shall be legal Voters in Town affairs” passed the 2<sup>d</sup> day of July 1776; and also for altering and amending the said Act, intituled “An act to establish an equitable method of making Rates and Taxes, and determining who shall be legal Voters in the Town and parish affairs; Be and hereby are repealed; Provided nevertheless that all inventories taken for the present year shall be good, as well, as all taxes made by virtue of, and pursuant to said acts, shall remain valid, and may be levied and collected in the same manner as tho’ said acts had not been repealed—



VOTES, RESOLVES ETC. OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 4, 1784.

Voted that the Rev<sup>d</sup> M<sup>r</sup> McClintock have and receive out of the Treasury the Sum of Fifteen pounds as a compensation for his excellent discourse delivered before the Senate and House of Representatives on the commencement of the new Constitution and that the President give order accordingly.

Senate concurred June 4, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 11, 1784.

Voted that the Hon<sup>bl</sup> Abiel Foster, Jonathan Blanchard, John Langdon & Moses Dow Esqr<sup>s</sup> be and they hereby are appointed Delegates to represent this State in the Congress of the United States for the term of one year from the first Monday in November next unless Sooner relieved or recalled by the General Court of this State—with all the powers and privileges which other delegates from this state have heretofore had and enjoyed agreeably to the confederation of the said United States, two of whom only are to attend at one and the Same time—

Senate concurred June 11, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 11, 1784.

The Committee appointed to consider what allowance the Members of the Senate and House of Representatives and their Officers shall receive for their wages & travel &c. Reported “that the Members of the Senate have and receive out of the Treasury Six Shillings 7<sup>d</sup> Day for their Attendance, and four pence 7<sup>d</sup> mile for their travel to and from their homes—That the members of the House of Representatives have and receive out of the Treasury the Same travel as the Members of the Senate and Six Shillings 7<sup>d</sup> Day for their Attendance for which last sum Each member of the House shall have a right to give the Constable of the Town or Towns they represent an order upon the Treasurer which order shall be received at the Treasury towards the Tax of the Town or district each Member represents and the Treasurer be directed to charge the amount of Such orders to the Respective Towns and Districts in the next Tax bill—That the Secretary have nine Shillings 7<sup>d</sup> Day and the Deputy Secretary Seven shillings & Six pence 7<sup>d</sup> day and allowance for travel as Members—That the Clerk of the House have nine Shillings 7<sup>d</sup> Day and allowance for travel as a Member—That the Assistant Clerk have one Shilling and

Six pence  $\frac{7}{8}$  day over his pay as a Member—Signed John M<sup>c</sup>Clarey for the Committee. Which report being read and Considered

Voted that it be received and Accepted and that the Secretary and Clerk make up the respective Rolls accordingly and that the Clerk of the House be made up one day extraordinary for making up the Roll and that the President give a general order for the payment of Said Rolls—

Senate concurred June 12, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 12, 1784.

The Committee to Nominate Suitable persons for a Committee to revise the Laws of this State and prepare such Bills as they may judge necessary for that purpose and also any Bills which they may be directed by the General Court to prepare—and lay the Same before this House at their next Session or as soon as may be—Reported that the Honb<sup>l</sup> Samuel Livermore Esq<sup>r</sup> the Honb<sup>l</sup> Josiah Bartlett Esq<sup>r</sup> & the Honb<sup>l</sup> John Sullivan are Suitable persons for a Committee to revise the Laws of this State and transact the other business above mentioned. Signed J Wentworth for Committee—Which report being read and considered. Voted that it be received and the Honb<sup>l</sup> Sam<sup>l</sup> Livermore, the Honb<sup>l</sup> Josiah Bartlett Esq<sup>r</sup> and the Honb<sup>l</sup> John Sullivan Esq<sup>r</sup> be and they hereby are appointed and authorized to transact the business above mentioned.

Senate concurred June 12, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 12, 1784.

The Committee to nominate proper persons to whom Dedimus's shall issue to enable them to qualify such officers as may be appointed in this State beg leave to report as their Opinion. That the Honb<sup>l</sup> the privy Counsellors or any two of them within any County of the State—The Honb<sup>l</sup> Josiah Bartlett John M<sup>c</sup>Clarey Samuel Penhallow & George Atkinson Esq<sup>r</sup> within the County of Rockingham—The Honb<sup>l</sup> John Wentworth John Plummer, Joseph Badger & Ebenezer Smith Esquires within the County of Strafford—The Honb<sup>l</sup> Matthew Thornton, Samuel Dana, Jeremiaah Page & Robert Macgregore Esquires within the County of Hillsborough—The Honb<sup>l</sup> Benjamin Bellows, Simeon Olcott, Benjamin Hall and Daniel Newcomb Esquires within the County of Cheshire—The Honb<sup>l</sup> Samuel Livermore, Charles Johnston Samuel Emerson, Moses Dow, Elisha Payne and Bezaleel Woodward Esquires for the County of Grafton—Be Commissioners either two of whom within the Respective Counties to be and hereby are vested with full power to administer the Oath of Allegiance and the Oaths of Office appointed by Constitution to any civil or Military Officers that may be appointed—Sign<sup>d</sup> M Thornton for the Commit-

tee—Which report being read and considered Voted that it be received and accepted—

Senate concurred June 12, 1784.

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*State of  
New Hampshire. }*

In Senate, June 15<sup>th</sup>, 1784.

Resolved, that the soldiers who enlisted in this State to serve in the Continental army, and who actually performed the service according to their several engagements for two years, or for any term of time less than Two Years, agreeably to any Act, Resolve or Vote of the Legislature of this State, and who have not been rewarded and paid according to any such Act, Resolve or Vote, shall be fully recompenced and paid as much as promised, as soon as their respective claims can be ascertained, and their accompts settled.

And the Committee on soldiers accompts are hereby directed to certify to the President, the ballance due as aforesaid to any such soldier, after deducting the Town bounties and supplies, in the same manner as the accompts of those who served three years, or during the war were settled.

And the President on receipt of such certificate, is requested to give order for the Treasurer to issue notes for the principal, and Certificates for the interest, in the same manner as notes and certificates were issued for those soldiers who served three years or during the war.

And be it further Resolved, that such Towns as have not sent in their accompts for bounties and supplies for such soldiers as engaged for a less term of time than three years; have liberty to send in the same to the Committee appointed to settle depreciation, till the 15<sup>th</sup> day of septe<sup>r</sup> next, and that no accompts for bounties and supplies be by them allowed, but such as are properly vouched or attested to, by the select men.

Sent down for Concurrence, M. Weare, President

In the House of Representatives, the same Day, Read and concurred. Geo Atkinson, Speaker.

[*Second Session, Held at Portsmouth, October 20, 21, 22, 23, 25, 26, 27, 28, 29, 30; November 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 1784.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE RIGHT OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN BENJAMIN SUMNER OF CLAREMONT IN THE COUNTY OF CHESHIRE, HIS HEIRS AND ASSIGNS—

[Passed November 3, 1784. Original Acts, vol. 9, p. 67; recorded Acts, vol. 5, p. 3.]

Whereas the said Sumner hath petitioned the General Court, representing that there is need of a Ferry over the River Connecticut near the mouth of Sugar River; for which purpose it is necessary a boat should be constantly kept in repair suitable for that purpose; yet that he is willing to undertake it if he may be secured in the privilege of keeping said Ferry in future; and praying that the exclusive privilege of keeping a Ferry within certain limits there, may be granted to him his heirs & assigns: Which representation appearing just and the prayer of said petition reasonable—

Be it therefore enacted, and it is hereby Enacted by the Senate and House of Representatives in General Court convened, and by the authority of the same, that the sole & exclusive right & privilege of keeping a ferry in any place from the north west corner of said Claremont extending down s<sup>d</sup> river Connecticut four miles to the northward boundary of the grant for a Ferry to Oliver Ashley, be, and hereby is granted to, and vested in him the said Benjamin Sumner his heirs and assigns forever: the owners of said Ferry, from time to time, as occasion may require, giving bond in sufficient sureties in the sum of one thousand pounds to the clerk of the court of the General Sessions of the Peace for the said County of Cheshire, that the said Ferry shall be constantly attended and well kept—

And be it further enacted by the authority aforesaid, that if any person or persons shall for hire or reward transport or ferry over said river within the limits or between the northwest corner of said Claremont and the limits granted to said Ashley as aforesaid, any person, creature or thing, such person, so transporting shall forfeit and pay to the said Benjamin Sumner his heirs or assigns, the sum of forty shillings for each person, creature or thing so transported, to be recovered by action of Debt before any Justice of the Peace within the said county. Provided

nevertheless that the said Benjamin Sumner his heirs and Assigns shall be liable to keep a ferry or ferries in such and so many places within the limits above described as the General Court may from time to time adjudge necessary for the public good.—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

## AN ACT TO ENABLE SARAH LITTLE TO SELL A CERTAIN HOUSE AND LAND THERETO BELONGING SITUATE IN PORTSMOUTH.—

[Passed November 3, 1784. Original Acts, vol. 9, p. 68; recorded Acts, vol. 5, p. 8.]

Whereas Sarah Little of Portsmouth in the County of Rockingham and State afores<sup>d</sup>, hath Petitioned the General Court of said State, setting forth, that her husband Francis Little more than two years ago, left her and five children and went to sea, since which time she has received no intelligence from him—that, she has been obliged to support herself and five children ever since till one of them lately died—that, he left no property, but a small house and lot of Land thereto belonging in said Portsmouth, upon the credit of which, she had obtained supplies for the support of herself and children—that there was no probability of her husband's return—that the debts she had contracted amounted nearly to the value of said house and land—that the Creditors grew impatient and threatened to sue their demands; the consequence whereof would increase as well their demands as her distress—Wherefore she prayed, that she might be enabled to sell said house and land and to convey the right and title thereof to the purchaser for the payment of said debts, and to apply the residue, if any, for the sustenance of herself and children. The substance of which petition being duly published, the facts therein supported, and the prayer thereof appearing reasonable; Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that, the said Sarah Little be and hereby is fully empowered to sell & convey the house and land aforesaid and the right & title that her said husband had therein at the time of his departure as aforesaid & to make to the purchaser or purchasers thereof, good and sufficient deed or deeds of the same. Provided nevertheless, that she first give bond with two sufficient Sureties to the Judge of Probate for s<sup>d</sup> County, that all the monies arising from the sale of said house and land shall be applied and appropriated for the ends aforesaid.

## [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT FOR GRANTING LIBERTY TO SET UP AND CARRY ON A LOTTERY TO RAISE MONEY FOR THE PURPOSE OF ERECTING AN EDIFICE IN THE TOWNSHIP OF HANOVER FOR THE USE AND BENEFIT OF DARTMOUTH COLLEGE.

[Passed November 3, 1784. Original Acts, vol. 9, p. 69; recorded Acts, vol. 5, p. 1. See act of January 12, 1787, and September 28, 1787.]

Whereas it has been represented by President Wheelock, in behalf of the Trustees of Dartmouth College, That the number of the Students of said College is so large that it is impossible for them to be accommodated in the present building, and that there is not sufficient room for the Library, Apparatus, and the public exercises of the society: That the said Trustees have therefore undertaken the design of erecting a new edifice that will contain forty eight chambers, with accommodations for other purposes; and whereas the said Wheelock, in behalf of the aforesaid Trustees has petitioned for the privilege of a lottery to complete said edifice, and begged the patronage of the Legislature of this State over said Institution: Therefore, be it enacted, and it is hereby enacted, by the Senate and House of Representatives for said State in General Court convened, That the persons herein after named be and hereby are authorized and permitted to set up and carry on a public lottery to raise money for the aforesaid end in so many classes or drafts as they shall judge proper not exceeding the sum of three thousand pounds lawful money in silver and gold clear of expence, provided the said lottery be drawn and finished within the term of three years from the passing of this act. And John Parker, Joshua Wentworth, & Thomas Martin Esq<sup>rs</sup> of Portsmouth, and Josiah Gilman & Thomas Odiorne Esq<sup>rs</sup> of Exeter, or the major part of them are appointed managers of said lottery, who shall be under oath to be administered by any Justice of the Peace for the faithful discharge of their trust, and shall duly pay all prize tickets according to their tenor & Scheme, and shall refund any sum or sums of money that shall be paid for tickets in any class of said lottery, in case that such class should not be drawn & finished within the term aforesaid. And the said Managers or major part of them are hereby appointed and authorized to pay the money which they shall so raise to the said Trustees of Dartmouth College. And the said Managers shall be allow'd and paid their reasonable demand for their time and charge about said business by the s<sup>d</sup> Trustees, and shall render

to them an account of their proceedings, & of all charges and demands concerning the premises. And the said Trustees shall appropriate and lay out said money agreeably to the design of this Act, & render a fair & plain account of the expenditure of what shall be received by them, to the General Court when thereto required, and shall be accountable to said Court for all their proceedings in y<sup>e</sup> premises.

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO ENABLE  
GEORGE KEZAR TO REVIEW AN ACTION OF ENTRY ON DISSEIZIN  
AGAINST RICHARD MALONY.

[Passed November 3, 1784. Original Acts, vol. 9, p. 70; recorded Acts, vol. 4, p. 574.]

Whereas the said George Kezar according to the Power given him in and by said last mentioned Act has commenced an Action of Review of an Action of Entry on Disseizin against the said Richard Malony which Action is now pending at the Superior Court of Judicature for the County of Rockingham: and whereas doubts have arisen whether said Kezar is by said Act empowered to continue the Prosecution of said Action after the expiration of the three years therein mentioned—And as it was intended by said Act to enable him to prosecute said Action & to have a trial thereon at *any time*, provided said Action should be *commenced* within said three Years.

Therefore, be it enacted by the Senate and House of Representatives in General Court convened, that the said George Kezar be and hereby is empowered to prosecute and pursue throughtout the Course of the Law the said Action in Review, according to the usual mode of prosecuting Actions of Review in other cases, the expiration of the three years mentioned in said Act notwithstanding.

## [CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE SOLE & EXCLUSIVE RIGHT & PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER, IN OLIVER ASHLEY OF CLAREMONT IN THE COUNTY OF CHESHIRE, HIS HEIRS AND ASSIGNS—

[Passed November 3, 1784. Original Acts, vol. 9, p. 71; recorded Acts, vol. 5, p. 5.]

Whereas the said Ashley hath petitioned the General Court, representing that there is need of a Ferry over the river Connecticut, near the southwest corner of said Claremont; for which purpose it is necessary a boat should be constantly kept in repair, suitable for that purpose, yet that he is willing to undertake it if he may be secured in the privilege of keeping s<sup>d</sup> ferry in future, and praying that the exclusive privilege of keeping a ferry within certain limits, there, may be granted to him his heirs & assigns; which representation appearing just, & the prayer of the petition reasonable.

Be it therefore enacted by the Senate and House of Representatives in General Court convened, & by the authority of the same, that the sole exclusive right & privilege of keeping a ferry in any place from the southwest corner of said Claremont extending up the said River as that runs two miles, be and hereby is granted to, & vested in him the said Oliver Ashley his heirs and assigns, forever, the owner or owners of said Ferry, from time to time, as occasion may require, giving bond with sufficient sureties in the sum of one thousand pounds to the clerk of the Court of the General Sessions of the Peace for the said County of Cheshire, conditioned that said ferry shall be constantly attended and well kept—

And be it further enacted by the authority aforesaid, that if any person or persons shall for hire or reward transport or ferry over said River within the limits aforesaid, any creature, person or thing, such person or persons so transporting, shall forfeit and pay to the said Oliver Ashley, his heirs or assigns, for each person, creature, or thing so transported, forty shillings, to be recovered by action of debt before any Justice of the Peace within the said County—Provided nevertheless that the said Oliver Ashley his heirs and Assigns shall be liable to keep a ferry or ferries in such and so many places within the limits above described as the General Court may from time to time adjudge necessary for the public good.—



## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT TO DIVIDE THE TOWN OF APTHORP IN THE COUNTY OF GRAFTON AND STATE AFORESAID AND INCORPORATE THE SAME INTO TWO SEVERAL TOWNS.—

[Passed November 4, 1784. Original Acts, vol. 9, p. 72; recorded Acts, vol. 5, p. 10.]

Whereas Tristram Dalton and Nathaniel Tracey Esq<sup>rs</sup> have preferred a petition to the General Court of this State setting forth that the said Town of Apthorp is large and capable of being made into two Towns by a proper division; That in its present situation the settlement and cultivation thereof must be attended with great difficulty; That a division thereof would be exceedingly beneficial to the proprietors of said Town and to the Public.—and upon a hearing, the prayer of said petition appearing reasonable and just—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened That, the part of said Town included within the lines and boundaries, hereafter mentioned, that is to say, beginning at the easterly corner of said Town, thence running south fifty six degrees west, eighteen hundred Rods, on the Southeasterly line of said Town, thence turning off and running North twenty six degrees west about six miles more or less until it comes to Connecticut River, thence by said River, Easterly until it comes to the Northerly corner of said Town, thence turning off, and running North twenty six degrees east on the North easterly line of said Town, about five miles, until it comes to the easterly corner of said Town the bound began at.— Be, and hereby is erected and incorporated into a town by the Name of Dalton; and the Inhabitants of said tract of land are erected into a body politic and corporate to have continuance and succession forever and are hereby invested with all the powers and infranchised with all the privileges, rights benefits and immunities which any Town in this State by law holds and enjoys; to hold to said Inhabitants and their Successors forever, and Capt. John Young is hereby authorised and impowered to call a meeting of said Inhabitants for the purpose of choosing all necessary and customary Town officers, giving fourteen days notice at least of the time, place and design of such meeting, And the Officers then chosen shall be invested with all the powers and authority that the officers of any other Town in this State are by law invested with; And the annual meeting of said Inhabitants, shall

be held in said Town, for that purpose on the third Tuesday of March forever.—

And be it further Enacted by the authority aforesaid, That the rest and residue of said Town of Apthorp, not included in the foregoing lines and boundaries, Be, and hereby is erected into a Town by the name of Littleton and the Inhabitants of said tract of land are erected into a body politic and corporate, to have continuance and Succession forever, and are hereby invested with all the powers and enfranchised with all the rights, privileges, benefits and immunities which any Town in this State, by law holds and enjoys, to hold to the said Inhabitants and to their successors forever— And Col<sup>o</sup> Timothy Bedel is hereby authorised and empowered to call a meeting of said Inhabitants for the purpose of choosing all necessary and customary town officers, giving fourteen days notice at least of the time, place and design of such meeting, And the officers then chosen shall be invested with all the power and authority, that the officers of any other Town in this State are by law invested with; and the annual meeting of said Inhabitants, shall be held in said Town for that purpose on the third Tuesday of March forever.

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

### AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL TOWN MEETING IN THE TOWN OF MERIDITH.

[Passed November 5, 1784. Original Acts, vol. 9, p. 73; recorded Acts, vol. 5, p. 13.]

Whereas by the Charter of Incorporation of said Town of Meredith the Annual Town Meeting is directed to be holden on the first Monday of April which is inconvenient on Many Accounts & the Inhabitants of said Town having Manifested their desire by vote in public Town Meeting that the same should be Altered.

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened That the Annual Town Meeting in said Meredith forever hereafter shall be holden on the Second Monday of March, the Charter of Incorporation of said Town Notwithstanding

## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT TO INVEST THE UNITED STATES IN CONGRESS ASSEMBLED, WITH ADDITIONAL POWERS FOR A LIMITED TIME.—

[Passed November 5, 1784. Original Acts, vol. 9, p. 74; recorded Acts, vol. 5, p. 14. Laws, 1780 ed., p. 331. See act of June 23, 1785. Repealed by acts of December 28, 1786, and June 20, 1792.]

Wheras the United States in Congress assembled more effectually to secure the commercial Interests thereof ought to be invested with power for a limited time, to prohibit the importation and exportation of Goods, Wares & Merchandizes to and from any of the United States in Vessels not the property of the States, or the subjects of a Power who shall have formed a Commercial Treaty with the same.—

Be it enacted by the Senate & House of Representative in General Court convened. That the United States in Congress assembled, shall be and they are hereby authorized and empowered to prohibit in any manner they shall think proper, for any term not exceeding fifteen years, the importation & exportation of any Goods, Wares or Merchandizes, to or from this State, in Vessels belonging to or Navigated by the Subjects of Any Power with whom the United States shall not have formed Treaties of Commerce; and also for the like term to prohibit the Subjects of any foreign State, Kingdom or Empire, unless authorized by Treaty, from importing into this State, Goods, Wares or Merchandize which are not the produce or Manufacture of the Dominion of the Sovereign whose subjects they are— Provided that to all Acts passed by the United States in Congress assembled, in pursuance of the above Powers, the assent of nine States shall be necessary.—

This Act shall commence and be in force so soon as each and every State in the Union shall pass similar Acts, and as soon as the President of this State, shall be notified that each and every State in the Union have passed similar Acts, he shall and he is hereby authorized to issue his Proclamation declaring this Act in force

## [CHAPTER 9.]

*State of  
New Hampshire.* }

## AN ACT FOR RESTORING JONATHAN CHILD TO HIS LAW.

[Passed November 6, 1784. Original Acts, vol. 9, p. 75; recorded Acts, vol. 5, p. 16.]

Whereas Jonathan Child of Lime in the County of Grafton Esq<sup>r</sup> presented a petition to the General Court held at Concord on the third Tuesday of June last past, representing that Jonathan Moulton of Hampton in the County of Rockingham Esq<sup>r</sup> recovered an erroneous Judgement against the said Child at the Superior Court of Judicature holden at Portsmouth on the first Tuesday of March AD 1784. for the sum of one hundred and fifty two pounds damage and cost of court, praying that said judgement may be reversed; which representation appearing true, and the prayer of the petition reasonable; Be it therefore enacted, and it is hereby enacted by the Senate and House of Representatives in General Court convened, that the Judgement aforesaid be, and hereby is reversed and made void in every part thereof; and that the said Child have liberty to prosecute his appeal entered by him at the said Superior Court of Judicature at the next Superior Court to be holden at Portsmouth in said County of Rockingham on the first Tuesday of March which will be in the year of our Lord one thousand seven hundred and eighty five.

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SEVERAL JUDGES OF PROBATE WITHIN THIS STATE TO LIQUIDATE THE SUMS PAID INTO THE PUBLIC TREASURY BY TRUSTEES OF CONFISCATED ESTATES BY THEM RESPECTIVELY APPOINTED; TO ADJUST THE CLAIMS OF THE CREDITORS AGAINST SAID ESTATES, WHICH HAVE BEEN OR SHALL BE RETURNED INTO THE TREASURY OFFICE BY COMMISSIONERS APPOINTED BY SAID JUDGES RESPECTIVELY AND TO AUTHORIZE THE PRESIDENT OF THE COUNCIL TO GIVE ORDERS FOR THE PAYMENT OF SUCH CLAIMS ACCORDINGLY."—

[Passed November 6, 1784. Original Acts, vol. 9, p. 76; recorded Acts, vol. 5, p. 17. Laws, 1780 ed., p. 332; id. Perpetual Laws, 1789 ed., p. 89. The act referred to is dated March 1, 1783.]

Whereas in and by said Act the several Judges of Probate within this State were authorized to receive of the Treasurer a List of such Claims against the confiscated Estates of Absentees as have been or may be lodged in their respective Offices by the Commissioners appointed for receiving and examining the same, and to certify said List to the President of the then Council, who was thereupon authorized by said Act to issue his orders to the Treasurer for the Payment thereof: and as under the present Constitution of Government, this Provision in said Act is found ineffectual and insufficient for the purposes thereby intended. Be it therefore enacted by the senate and house of Representatives in General Court convened, and by the authority of the same it is hereby enacted—That the several Judges of Probate in this State be and hereby are required to file in the Office of the Secretary of this State attested Copies of all such lists of Claims against confiscated Estates as have been or shall be lodged in their respective offices, and the Secretary is hereby required to lay said Lists of Claims before his Excellency the President, who with advice of Council is hereby authorized to issue his Orders to the Treasurer for the Payment of said Claims in the same way and Manner as is provided in said Act, and the Treasurer on receiving such Orders is hereby required to pay the same accordingly.—

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENABLE THE INHABITANTS OF THE PARISH OF SEABROOK DENOMINATED PRESBYTERIANS TO CALL A MEETING FOR TRANSACTING THEIR PARISH AND MINISTERIAL BUSINESS.—

[Passed November 9, 1784. Original Acts, vol. 9, p. 77; recorded Acts, vol. 5, p. 19.]

Whereas the said Inhabitants have petitioned the General Court setting forth among other things that they have no authority in said parish to enable them to call a meeting of the Inhabitants thereof to transact their ministerial business, or to assess the polls and Estates for the support of the Gospel among them, two of their former assessors being dead

For remedy whereof Be it Enacted by the Senate and House of Representatives in General Court convened, That Winthrop Gove Esq<sup>r</sup>. of Seabrook aforesaid be and hereby is appointed and authorized to call a meeting of the Inhabitants of said parish of Seabrook, giving them fifteen days notice at least of the time, place, and design of such meeting for the purpose of choosing all necessary and customary parish officers agreeably to the Charter of said parish,—And the Officers then chosen shall be invested with all the powers that such officers have heretofore been invested with in and by said Charter—And that in future (if need be) the said Inhabitants shall have the same power to petition a Justice of the peace for calling a meeting of the Inhabitants thereof for the purposes aforesaid that any other Town or parish in this State have by virtue of an act passed January the fifth one thousand seven hundred and seventy one—And the Justice so applied to is hereby directed to call a meeting agreeably to the act last mentioned.—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT FOR ESTABLISHING AN EQUITABLE METHOD OF MAKING RATES AND TAXES, AND DETERMINING WHO SHALL BE LEGAL VOTERS IN TOWN AND PARISH AFFAIRS PASSED JUNE THE TWELFTH ANNO DOMINI ONE THOUSAND SEVEN HUNDRED AND EIGHTY FOUR—

[Passed November 9, 1784. Original Acts, vol. 9, p. 78; recorded Acts, vol. 5, p. 21. Laws, 1780 ed., p. 333. See acts of June 12, 1784, and February 22, 1786.]

Whereas Cattle and Horses of three years old were not rated in said act which was contrary to the intention thereof; And

whereas it is just and equitable that they should be taxed with other things mentioned therein; Therefore be it Enacted by the Senate and House of Representatives in General Court convened that all cattle and Horses three years old be estimated at one shilling and six pence each, accounting none three years old, till they have been wintered four winters.—

## [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT FOR MAKING AND ESTABLISHING A NEW PROPORTION OF THE PUBLIC TAXES AMONG THE SEVERAL TOWNS PARISHES AND PLACES WITHIN THIS STATE, AND TO AUTHORIZE THE TREASURER TO ISSUE HIS WARRANTS FOR LEVYING THE SAME ANNUALLY, PASSED APRIL THE SEVENTEENTH ONE THOUSAND SEVEN HUNDRED AND EIGHTY FOUR—

[Passed November 9, 1784. Original Acts, vol. 9, p. 79; recorded Acts, vol. 5, p. 37. Laws, 1780 ed., p. 333. See act of February 7, 1789.]

Whereas in and by said Act among other things it was Enacted that sundry persons mentioned therein were appointed and authorized to call meetings of the Inhabitants of all such places (in their respective Counties) which were not incorporated, giving public notice thereof; which Meetings were to be holden in said places respectively by the first day of July then next— And whereas from experience the time mentioned in said act is found to be too short to answer the purposes intended; Therefore Be it Enacted by the Senate and House of Representatives in General Court convened that said time be lengthened to the first day of April next, and that the persons mentioned in said act for calling Meetings aforesaid govern themselves accordingly—

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER ABRAHAM PERKINS OF EPPING ESQ<sup>R</sup> TO COLLECT CERTAIN TAXES—

[Passed November 9, 1784. Original Acts, vol. 9, p. 80; recorded Acts, vol. 5, p. 39.]

Whereas the said Perkins & Thomas Stow-Ranney as Administrators of the Estate of Daniel Gordon late of said Epping

Gentleman deceased Intestate have petitioned the general Court representing that the said Gordon was a Constable of said Epping for the year 1782 and had sundry Lists of Rates amounting to a large Sum committed him to collect, a considerable part whereof remained uncollected at his Death: And praying that the Said Perkins might be authorized to collect the same: which appearing reasonable,

Be it therefore Enacted by the Senate and House of Representatives in general Court convened & by the Authority of the same That the said Abraham Perkins be & he hereby is impowered to collect the said Rates in said Lists set down which remain uncollected and the same Power and Authority is hereby given Him for that Purpose, as the said Gordon would by Law have, if living.

### [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO AUTHORIZE AND IMPOWER THE PROPRIETORS OF ANY COMMON AND UNDIVIDED LANDS TO CALL MEETINGS OF THEIR RESPECTIVE PROPRIETORS AND TO LEVY AND COLLECT SUCH SUM OR SUMS OF MONEY ON THE SAID LANDS AS THEY MAY JUDGE NECESSARY AND ALSO TO TRANSACT ALL THEIR COMMON AND PUBLICK AFFAIRS PASSD THE THIRD OF JULY IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY ONE—

[Passed November 10, 1784. Original Acts, vol. 9, p. 81; recorded Acts, vol. 5, p. 35. Laws, 1780 ed., p. 334; id. Perpetual Laws, 1789 ed., p. 96. The act referred to is dated July 3, 1781. Repealed by the act of December 22, 1808. Robinson, "History of Taxation in New Hampshire," p. 185.]

Whereas in and by said Act it is enacted that when new Townships and tracts of Land are divided and Severed among the Proprietors thereof and it may be necessary that such proprietors levy taxes upon Such Lands as are or may be laid out and divided into Lots in order to Fullfil the Terms and Conditions of the Grants or Charters by which said Lands are holden the lot or lots so divided and severed that are or may be drawn or held to any right or Share shall be liable to be assessed and sold for the Taxes of said Right but no provision is made in said act for Assessing Said Lots for any other purpose which is often found necessary—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened that when Such Townships or Tracts of Land are so divided and Severed and the said Proprietors shall find it necessary to raise any Sum of money



for the defraying any proprietary Charges and at any legal meeting of Such proprietors shall agree upon and Vote to raise Such Sum and there is not common land Sufficient to Satisfy the same the Lot or Lots so divided and Severed that are or may be drawn or held to any Right or Share shall be liable to be Assessed and sold for their proportion of the Taxes of said Right in the same manner as in and by the said act is directed to be done in Selling of a Common Right or any part thereof and that at all such meetings every holder of any of Said Lands shall be admitted and have a right to vote according to their respective Interest—

And whereas it often happens that more then one person is interested in a right or proprietors share of land or a lot part of such right held in common & Undivided and one or more being owner or owners of Such Land shall pay his her and their proportion of such Taxes according to their Interest and some other owner or owners in the same land being delinquent in paying their proportion of Such Taxes shall occasion some of Such Lands to be sold for the unpaid taxes—

Therefore Be it enacted that all Lands sold in such cases shall be deemed judged and taken as part of the Interest or share of the delinquents according to the Quantity and quality of the whole

#### [CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT ENABLING MARK HUNTING WENTWORTH ESQ<sup>R</sup> TO ACT AS FORMERLY FOR THE HEIRS & REPRESENTATIVES OF TRECOTHICK & THOMLINSON OF LONDON UNDER ALL THE VARIOUS FIRMS THAT HOUSE HATH SINCE TAKEN, AS ALSO BY VIRTUE OF A LATE POWER REC<sup>D</sup> BY HIM FROM S<sup>D</sup> HEIRS & C DATED FIRST OF JANUARY AD 1784, SIGNED SAMUEL COLKER JOHN TRECOTHICK & EAST APTHORP ADM<sup>R</sup>.

[Passed November 10, 1784. Original Acts, vol. 9, p. 83; recorded Acts, vol. 5, p. 33.]

Whereas Mark Hunking Wentworth of Portsmouth in our said State hath petitioned setting forth that he formerly for many years had acted as Agent to the Heirs & Representatives of John Thomlinson of London Merchant deceased, by virtue of a power from them, paying the Taxes on their Lands, and transacting all their other business within the State; since which the Legislature thereof had pass'd two Acts—One forbidding any persons acting under such powers from Absentees or British Subjects—The other directing the Treasurer to pay taxes on all

the Lands of such persons by discounts with the Town-Collectors—that having lately received from the persons aforesaid a New Power bearing date the first day of January last past, fully authorizing him to transact all their affairs as formerly—He humbly prayed that the restraints aforesaid may be taken off, and that he might be permitted to act as formerly in the premises & agreeably to the said last Letter of Attorney which, among other things impowers him to pay the Taxes on all their lands as well past as future—And the material facts set forth in said Petition appearing to be true, and the prayer thereof, reasonable

Therefore—Be it enacted by the Senate and House of Representatives in General-Court convened, that all the restraints in the two before-recited-Acts so far as they respect all the persons before-mentioned, be and the same hereby are taken off & repealed, & the s<sup>d</sup> M H: Wentworth is hereby fully authorized and enabled to act in the premises as formerly, and to do and transact every matter and thing contained in said last received Letter of Attorney, as fully and in every respect as if those two beforementioned Acts had never been made. Provided the said Mark Hunking Wentworth pay the taxes that have been advanced for said lands by this State as set forth in the preamble of this act—

### [CHAPTER 17.]

*State of  
New Hampshire.* }

#### AN ACT TO CONFIRM TO JEREMIAH TIBBETS THE TITLE OF CERTAIN LANDS IN THE COUNTY OF STRAFFORD—

[Passed November 10, 1784. Original Acts, vol. 9, p. 84; recorded Acts, vol. 5, p. 29.]

Whereas Jeremiah Tibbets of Barrington in the County of Strafford and State aforesaid hath petitioned the General Court setting forth that he together with John Layton now dec<sup>d</sup> purchased of John Twombly late of Dover in s<sup>d</sup> County dec<sup>d</sup> Twenty Acres of Land situate in Dover afores<sup>d</sup> in the Parish of Madbury, Ten Acres whereof were given and granted by said Town to Maul Hanson on the 8<sup>th</sup> of July 1734 and laid out the 12<sup>th</sup> of May 1735 by Jn<sup>o</sup> Wingate Robert Evans & Jn<sup>o</sup> Huckins Committee of said Town to lay out the same, are bounded as follows viz<sup>t</sup> Beginning at the Southwest side of the Road that leads from Merritt's Mill to the head of s<sup>d</sup> Town of Dover at Joseph Rynes's North-Corner then running Northwest thirty six Rods by s<sup>d</sup> Road then running Southwest forty five Rods then South east thirty six Rods then North East forty five Rods to the bound first mentioned. The other Ten Acres were granted by said Dover to Benj<sup>a</sup> Allen on the s<sup>d</sup> 8<sup>th</sup> Day of July and laid

out by the same Committee on s<sup>d</sup> 12<sup>th</sup> Day of May and are bounded thus, to wit—On the Southwest side of the Road that leads from Merritt's Mill to the Sapling beginning at the Northern Corner of Maul Hanson's Ten Acres by s<sup>d</sup> Road running Northwest thirty six Rods then Southwest forty five Rods then Southeast to said Hanson's land then Northeast by s<sup>d</sup> Hansons land to the bound began at as by the Copy of the Return of s<sup>d</sup> Lands will fully appear—that about eight and half of said last ten Acres were afterward recovered of him and said Layton by Samuel Chesley late of said Madbury dec<sup>d</sup>—that s<sup>d</sup> Allen purchased ten Acres of Maul Hanson & sold the whole Twenty to s<sup>d</sup> Twombly of whom s<sup>d</sup> Layton and said Tibbets purchased the same by Deed bearing Date the 12<sup>th</sup> of August 1749—after which in 1762 s<sup>d</sup> Tibbets made a Division with the Persons to whom s<sup>d</sup> Layton sold his Share of said Lands in which Division in Order to make a streight Line said Tibbets gave about Two Acres of the Land he purchased of s<sup>d</sup> Chesley recovered as aforesaid and had set off to him in the Land which they held by s<sup>d</sup> Deed after the Recovery of s<sup>d</sup> eight Acres and half the following Tract for his Part bounded to wit—Lying on the west side of said Road beginning at Rynes' Corner about thirty Rods to Lands in Possession of Jacob Daniels then Northwest by s<sup>d</sup> Daniels Land to the head of the Town of Dover afores<sup>d</sup> then by said head Line to the Road then by s<sup>d</sup> Road to the bound began at that the Deed so given by said Twombly after being duly acknowledged said Tibbets about Nineteen Years since sent by Jonathan Church dec<sup>d</sup> then a Member of the General Court to get recorded and always till the last year conceived the same was recorded when to his great Surprize he learnt the same deed was left among the Papers of the s<sup>d</sup> Church and continued there a long Time after his Decease when some evil minded Person took away and conveyed said deed into the hands of said Twombly's Heirs which Deed is now suppressed or destroyed that since said Information said Tibbets has repeatedly desired said heirs to restore said deed or to confirm to him the Title of said tract of Land so divided and set off to him both of which they refused to do—by which fraudulent practice said Tibbets was deprived of the Evidence of his Title to said Tract of Land and was in Danger of losing the same with the Improvements thereon—Wherefore he prayed that the General Court would confirm to him his heirs & assigns the Title of the Land so set off to him—Which Petition being read and considered and the Prayer of it appearing reasonable Therefore be it enacted by the Senate and House of Representatives in General Court convened that the Right and Title to the Land so set off to the said Jeremiah Tibbets and now in his actual Possession be and hereby is confirmed to him, his heirs & assigns forever any Law Custom or Usage to the Contrary notwithstanding—

## [CHAPTER 18.]

*State of  
New Hampshire.* }

## AN ACT FOR LAYING OUT A PUBLIC ROAD OR HIGHWAY TO DARTMOUTH COLLEGE—

[Passed November 11, 1784. Original Acts, vol. 9, p. 85; recorded Acts, vol. 5, p. 25. See acts of February 3, 1786, and January 6, 1787.]

Whereas sundry persons Inhabitants of this State have petitioned the General Court setting forth the necessity and conveniency of a public Road or Highway to be layed out from the River Road in Boscawen in the most convenient and direct way to Connecticut River at or near Dartmouth College, praying that a judicious and disinterested Committee may be appointed to lay out the same and appraise the damage that may happen to any person or persons thereby, and make return of their doings therein to said Court; Which petition being read and the prayer thereof appearing reasonable, and for the public good,

Therefore be it Enacted by the Senate and House of Representatives in General Court convened, That Timothy Walker of Concord, Ebenezer Smith of Merridith and Henry Gerrish of Boscawen Esquires or either two of them be and they are hereby appointed a Committee with full power and authority to lay out a public Road or Highway four Rods wide beginning at the River Road (so called) in the Town of Boscawen in the most convenient place, and from thence to proceed in the most direct course the situation of the land will admit of to Connecticut River at or near Dartmouth College, having respect in laying out the same both to public and private interest;—And said Committee are vested with full power to estimate and appraise the damage that may accrue to any person or persons by reason of laying out said Road through their lands, if any there should be in the opinion of said Committee, considering the advantage as well as disadvantage arising thereby, and said Committee shall make return of their doings therein to the said General Court at their next Session, after they have compleated said business.

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR THE  
EQUAL DISTRIBUTION OF INSOLVENT ESTATES.

[Passed November 11, 1784. Original Acts, vol. 9, p. 86; recorded Acts, vol. 5, p. 27. Laws, 1780 ed., p. 337; id. Perpetual Laws, 1789 ed., p. 90. See act of February 11, 1791. Repealed June 20, 1792. *Stevens v. Meserve*, 73 N. H., 293, 296; *Knight v. Hollings*, 73 N. H., 494, 499.]

Whereas no provision is made by said act for the sale of the Reversion of the estate in which the widow of the deceased has dower, the want of which, often lessens the value of the rest of such estate, retards y<sup>e</sup> settlement thereof, and renders a second distribution of such insolvent estate among the creditors necessary; all which would be prevented if the Reversion of any such estate wherein the widow holds or may hold dower, might be sold at the same time, with the other real estate of the deceased.

Therefore, Be it Enacted by the Senate & House of Representatives in General Court convened, that, the Reversion of any such insolvent estate wherein the Widow has or may have dower, shall and may be subjected to sale for and towards the payment of the debts and demands against any such deceased person or persons and may be sold in like manner as the rest of such real estate may be by virtue of said act

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT FOR ESTAB-  
LISHING A LIGHT HOUSE PASSED APRIL THE NINTH ONE  
THOUSAND SEVEN HUNDRED AND EIGHTY FOUR—

[Passed November 11, 1784. Original Acts, vol. 9, p. 87; recorded Acts, vol. 5, p. 28. Laws, 1780 ed., p. 335; id. Perpetual Laws, 1789 ed., p. 131. Repealed June 20, 1792.]

Whereas no duty for Light money is laid by said act on any Vessels but such as enter and clear at the Naval office and Whereas Vessels coming into the Harbour for the sole purpose of anchoring receive as much benefit from the light as those which enter at said Naval Office—Therefore Be it Enacted by the Senate and House of Representatives in General Court convened that every vessel from fifteen to thirty Tons burthen which shall come and anchor in said Harbour only without entering at

said Naval office shall pay the sum of nine pence every Vessel from thirty to fifty Tons burthen the sum of two Shillings every vessel from fifty to one hundred tons burthen Six shillings every Vessel from one hundred to one hundred and fifty Tons burthen Eight Shillings and all Vessels of more than one hundred and fifty Tons burthen Twelve shillings for light money which shall be paid to the Naval officer or some person deputed by said Naval Officer for that purpose before such Vessels be permitted to pass the Fort—

VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION:

*State of* }  
*New Hampshire.* }

In the House of Representatives, October 27, 1784.

The Committee on sick and wounded &c having considered the Petition of Archibald McMillan wounded at Bunker Hill in the year 1775 are of Opinion that he should receive Ten shillings per month from June 10<sup>th</sup> 1783 till further order of Court. Signed J Gilman for the Committee which report being read and considered. Voted that it be received and Accepted—

Senate concurred October 27, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, October 29, 1784.

Voted that Mr J Pickering, Gen<sup>l</sup> Badger, Col<sup>o</sup> King Col<sup>o</sup> Peabody & Mr McMurphy with such of the Honb<sup>l</sup> Senate as they shall join be a Committee to Nominate to this House proper persons to be appointed managers of the Dartmouth Colledge Lottery—

Senate concurred October 30, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, November 1, 1784.

Voted that Thursday the Second Day of December next be observed and kept as a day of public Thanksgiving throughout this State and that his Excellency the President (with advice of Counsel) be requested to issue a Proclamation for that purpose.

Senate concurred November 1, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, November 1, 1784.

The Committee chosen at the last Session of the General Court for preparing a Device and Inscription for a Seal for this State reported

that the Device be a field encompassed with Laurel—round the field in Capital letters SIGILLUM REPUBLICAE, NEO HANTONIENSIS, on the Field a rising sun and a Ship on the Stocks with American banners displayed, and that said Seal be two inches diameter—which and inscription being considered

Voted that the Same be received and accepted and that the said Committee procure the Seal as soon as may be.

Senate concurred November 4, 1784.

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*State of* }  
*New Hampshire.* }

In Senate, November 6, 1784.

Whereas in the years 1777, 1778, and 1779 a Number of men enlisted to Serve in the Continental Army in the line of this State for a term of time less than three years many of whom were promised Depreciation and it appearing reasonable that the Soldiers who faithfully performed the Service for which they Severally engaged Should be equally rewarded for the Same—Resolved that all the Soldiers of the Above description be and hereby are allowed depreciation and that in every respect their Accounts be made up & Settled upon the Same Principles as the Accounts of those Soldiers who enlisted to Serve for three years or during the War were made up and Settled—And the Committee on Soldiers Accounts are hereby impowered to make up said Accounts and on their Certifying the Ballance due to any Such Soldiers, his Excellency the President is hereby requested to issue his warrant for the Same on the Treasurer who shall issue a Note for the Principal and a Certificate for the Interest in the Usual form—

The House of Representatives concurred November 6, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, November 6, 1784.

Voted that his Excellency the President have & receive out of the Treasury the Sum of Two hundred pounds for his Salary for the current year.

Senate concurred November 9, 1784.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, November 9, 1784.

Whereas the United States in Congress Assembled on the fifteenth day of January Anno Dom 1784 Resolved that the Interest which has or may become due on loan Office Certificates bearing date between the first day of September 1777 and the first day of March A Dom 1778 is not Subjected to any Depreciation, and did at the Same time make order respecting the payment thereof—as also for liquidating and paying certain Interest due on Loan Office Certificates of other descriptions—

And whereas this State by their Act passed in Gen<sup>l</sup> Court June 11<sup>th</sup> 1784 hath provided for a partial payment of a part of the Interest aforesaid and it being necessary that Some further provision be made in the Premises—Therefor

Resolved that the Loan Officer in this State be and he hereby is empowered to issue Certificates for the Interest due on all monies Loaned to the United States at said Loan Office in this State belonging to the Inhabitants thereof until the 28<sup>th</sup> day of February last calculating the said Interest by the Resolve of Congress of the 15<sup>th</sup> of January 1784 so far as said Resolve respects the Same—and the remainder of said Interest agreeably to the other Resolve of Congress of the 28<sup>th</sup> of June 1780 deducting only where partial payment hath been made in Consequence of the Act of the General Court of the 11<sup>th</sup> of June last as aforementioned.

And it is hereby further Resolved that all certificates for Interest issued by the said Loan Officer by virtue and in consequence of the foregoing resolve—as also all Certificates that hath been or Shall be issued by the Loan Officer aforesaid for interest on any of the Loan Office Certificates issued at said office or other liquidated debts agreeably to the Resolve of Congress of the 15<sup>th</sup> of January 1784 or the other Resolve of Congress passed the 15<sup>th</sup> of April last shall be taken and Received by the Several Collectors of Taxes within this State and by the Treasurer thereof in the Same manner as the Certificates issued by said Loan Officer for the partial payment of the Interest of Certain Loan Office Certificates by virtue of the Act of the General Assembly of Said State aforementioned are directed to be taken and received by any Act or Resolve of said General Court.

Senate concurred November 8, 1784.



[*Third Session, Held at Concord, February 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 1785.*]

## [CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT, ASCERTAINING THE RATES AT WHICH COINED SILVER AND GOLD, AND ENGLISH HALFPENCE AND FARTHING, MAY PASS WITHIN THIS STATE.—

[Passed February 12, 1785. Original Acts, vol. 9, p. 88; recorded Acts, vol. 5, p. 41. Laws, 1780 ed., p. 337; Perpetual Laws, 1789 ed., p. 187; Laws, 1792 ed., p. 242. This act repeals the act of June 7, 1765, and the act of January 3, 1772. See act of Parliament, Laws, 1761 ed., p. 140; id. 1771 ed., p. 220. See Fry, "New Hampshire as a Royal Province," Chapter on Finance.]

Whereas the rate of Gold has been altered by the Legislature of several of the united States, & it now passes at an higher rate in most of them than it does in this State, whereby the circulating currency has been diminished; and there is great danger that all the gold, now passing, will be sent out of the State, and it is also useful to establish the rate of certain silver coins: Therefore,

Be it enacted by the Senate and house of Representatives in General Court convened, That in the payment of all taxes which shall hereafter be received into the Treasury of this State, and in payment of all debts, coined gold and silver shall be received, and be a lawful tender at the rates following, *to wit*:—An English or French crown, at six shillings and eight pence and all divisions of such crowns in proportion—A Spanish milled dollar at six shillings, and all divisions of such dollars in proportion—An English guinea of the weight of five penny weight and six grains, at twenty eight shillings, and all divisions of such guineas in equal proportion—A French guinea of the weight of five penny weight and six grains, at twenty seven shillings and four pence—A coin of Portugal commonly called a johannes, of the weight of eighteen penny weight, at four pounds, sixteen shillings, and all divisions of such johannes in like proportion—A moidore, of the weight of six penny weight, eighteen grains, at thirty-six shillings, and all divisions of moidores in like proportion—A four pistole piece, called a doobloon, of the weight of sixteen penny weight, twelve grains, at four pounds, eight shillings, and all divisions of the same coin in like proportion—three English farthings at a penny, and English half-pence in proportion

And be it further enacted, by the authority aforesaid, that all pieces of coined gold, before herein enumerated, and which

shall weigh more or less than is by this act established, as their current weight, shall be received in payment for the taxes hereafter to be received into the Treasury of this State, and in all debts, for a sum proportioned to the value of gold, as hereby stated, to wit, at five pounds, six shillings and eight pence by the ounce, any law, usage, or custom, to the contrary notwithstanding.—

Be it further enacted that all former laws of this State touching the regulation of gold or silver coin, be and hereby are repealed.—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

### AN ACT TO ESTABLISH A SEAL, TO BE USED AS THE GREAT SEAL OF THIS STATE.

[Passed February 12, 1785. Original Acts, vol. 9, p. 89; recorded Acts, vol. 5, p. 40. Laws, 1786 ed., p. 337; Perpetual Laws, 1789 ed., p. 161; Laws, 1792 ed., p. 63.]

Whereas the Committee appointed by the General Court to prepare a device & Inscription for a State Seal; did on the first day of November last, lay before said Court a device with the following Inscription viz. “a field encompassed with Laurels, “round the field in capital Letters, SIGILLUM, REIPUBLICAE NEO “HANTONIENSIS, on the field a rising Sun, and a Ship on the “Stocks, with American Banners displayed” Being Two Inches Diameter. Which was then Voted to be received and Accepted, and Accordingly hath since that time been used as the Great Seal of the State.

But as doubts have since arisen, whether the Vote for establishing said Seal was Sufficiently explicit, for removing such doubts. Therefore Be it Enacted, by the Senate & House of Representatives in General Court convened, That the said Seal with the above Recited Inscription, be fully established & used in all cases, as the Great Seal of this State, And considered as having been such from the first day of November last.

## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT TO COMMIT THE SOLE ADMINISTRATION OF THE ESTATE  
 OF JEREMIAH PRESCOTT LATE OF EPPING DECEASED INTESTATE  
 INTO THE HANDS OF HIS SON JEREMIAH PRESCOTT—

[Passed February 15, 1785. Original Acts, vol. 9, p. 90; recorded Acts, vol. 5, p. 49.]

Whereas Jeremiah Prescott of Epsom in said State hath Petitioned the General Court setting forth that he with his brother Elisha Prescott were appointed by the Hon<sup>ble</sup> the Judge of probate & for the County of Rockingham (in the month of June 1781) Administrators to the estate of Jeremiah Prescott late of Epping deceased intestate. That the said Elisha Prescott afterwards refused to Join or Assist him in the Settlement of said estate & hath since removed out of this State. That in consequence thereof the Settlement of said Estate hath been protracted, Creditors injured, & himself subjected to damage, being unable to proceed in the Settlement of said estate. Wherefore he prayed, that he might be enabled by an Act of the Legislature of this State to proceed in the Settlement of said estate as fully as if the said Elisha had not been joined in said Administration. Which Petition appearing true and the prayer thereof reasonable. Therefore—

Be it enacted by the Senate & house of Representatives in General Court convened, That the said Jeremiah Prescott of Epsom be and he hereby is fully Authorized & impowered to proceed in the Settlement of the Estate of said Intestate as fully to all intents & purposes, as if Administration of said Estate, had been originally granted to him Alone, & the said Elisha not named therein.

And the said Jeremiah Prescott of Epsom shall be Accountable to the Judge of Probate for the County of Rockingham, in every respect relative to said Estate in the same manner, as if the Administration thereof had been Originally granted unto him alone and the Said Elisha not named therein

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING & IMPOWERING LEONARD WHITING ESQ<sup>R</sup>  
TO LEVY OR EXTEND AN EXECUTION RECOVERED BY HIM, UPON  
THE ESTATE OF BENJAMIN WHITING ESQ<sup>R</sup>.

[Passed February 16, 1785. Original Acts, vol. 9, p. 91; recorded Acts, vol. 5, p. 44.]

Whereas Leonard Whiting of Merrimack in the County of Hillsborough Esq<sup>r</sup> hath petitioned the general Court setting forth. That at the Inferior Court of common pleas held at Amherst in said County on the sixth day of october Anno Domini 1778 he recovered Judgement against Benjamin Whiting formerly of Hollis in said County Esq<sup>r</sup> but then an Absentee from this & the other United States, & now deceased, for the sum of one hundred & seventy one pounds nineteen shillings & eight pence damage due for bona fide debts & four pounds sixteen shillings costs by him in that behalf expended—& sued out an execution in due form thereon and before the execution was in any part satisfied, a Law was enacted by the Legislature of this State rendering void all attachments then made or that afterwards might be made upon the estate of any Absentee from this State, residing with Enemies thereof: by force whereof he was wholly deprived of the benefit and advantage of his execution obtained as aforesaid for the recovery of his debt; and praying he may have liberty to levy or extend his execution upon the goods, Chattles or Lands belonging to the estate of the said Benjamin Whiting to satisfy the same, which appearing reasonable—wherefore—

Be it enacted by the Senate and house of Representatives in general acourt convened. That the said Leonard Whiting have liberty & be impowered & is hereby impowered to levy his execution recovered upon the Judgement aforesaid upon such of the goods chattles or lands of the said Benjamin Whiting as were legally attached upon the original process in said case & which have not been taken by any other execution or Legally disposed of by the said Benjamin Whiting or his wife since said attachment—

Provided nevertheless that the said Leonard Whiting pay all charges that have arisen on account of a trustee being appointed to said estate

## [CHAPTER 5.]

*State of  
New Hampshire.* }

## AN ACT IMPOWERING ELIZABETH BUTLER TO PROSECUTE ACTIONS IN HER OWN NAME—

[Passed February 16, 1785. Original Acts, vol. 9, p. 92; recorded Acts, vol. 5, p. 48.]

Whereas Elizabeth Butler wife of Edward Butler late of Portsmouth in the County of Rockingham & State aforesaid Mariner hath petitioned the general Court setting forth that her husband hath been absent ever since & before hostilities were commenced between Great Britain & this Country. In which time she has neither received supplies, or Letter from him & that part of her real estate has been taken & sold for taxes since her husbands departure, & some hath been trespassed upon, & of some part, she hath been desseized neither of which, she can redeem, recover damage for, or possession of; without being specially empowered by said Court, she haveing no power from her husband for that purpose; and praying she may be fully empowered to bring any real, personal, or mixed, action, or actions, in her own name & to prosecute the same to final judgement & execution for any of the causes aforesaid & that she may have leave to bring in a bill for that purpose which appearing reasonable—wherefore

Be it enacted by the Senate & House of Representatives that the said Elizabeth Butler shall be and is hereby authorized and empowered to commence & prosecute any action or actions in her own name and in her own right for each & every of the causes aforesaid, to final judgement & executions; her coverture notwithstanding

## [CHAPTER 6.]

*State of  
New Hampshire.* }

## AN ACT TO IMPOWER ISAAC BARRETT OF NOTTINGHAM WEST, TO COLLECT CERTAIN TAXES IN SAID TOWN—

[Passed February 16, 1785. Original Acts, vol. 9, p. 93; recorded Acts, vol. 5, p. 46.]

Whereas Simion Barrett & Isaac Barrett of Nottingham West in the County of Hillsborough have Petitioned the General Court, representing that their late father Moses Barrett, was Constable for said Town for the years 1781 and 1782, and that he died

before he had finished the Collection of the Taxes agreeably to the Warrants, committed to him. Wherefore they prayed that he the said Isaac Barrett might be Authorized to collect the same—Which request appearing reasonable Therefore—

Be it enacted by the senate & house of Representatives in General Court convened, that the said Isaac Barrett be, & he hereby is impowered to collect all the Rates or Taxes in the Lists set down agreeably to the Warrants legally committed to the said Moses which remain unpaid, as fully to all intents & purposes, as the said Moses could do, if he was living

Provided nevertheless that the said Isaac shall not proceed in said Collection until he hath given Bond with Sufficient Sureties in a Reasonable sum to the Selectmen of said Nottingham West, conditioned that he will pay all Monies collected, or to be collected agreeably to the Warrants given to his said Father.

## [CHAPTER 7.]

*State of  
New Hampshire. }*

AN ACT FOR THE NATURALIZATION OF PETER DE SAUSSE, ILULIA DE SAUSSE HIS WIFE, & MARY ESTA HIS DAUGHTER AND ADRIAN HIS SON—

[Passed February 16, 1785. Original Acts, vol. 9, p. 94; recorded Acts, vol. 5, p. 51. See act of February 12, 1788.]

Whereas the said Peter de Sausse hath petitioned this Court setting forth, That he, and they, Ilulia, Mary & Adrian his Family, have left Francois to reside here, & that he has contracted to purchase a large real Estate in East Kingston in this State & has become bound to pay large Sums of Money therefor, as soon as he can become Naturalized here, & capable of holding real Estate in this State, That his Attachment to this State is sincere, & that he is very Anxious to become a free Citizen of this free State—and praying that he & his family named in said Petition may have an Act of Naturalization passed in their favour, which appearing Reasonable—

Be it therefore Enacted, by the Senate and House of Representatives in General Court Assembled, that for the reasons set forth in said Petition said Peter de Sausse & Ilulia de Sausse, Mary Esta de Sausse, & Adrian de Sausse, are hereby declared to be, & they are free Citizens of this State; and as such are, & hereafter shall be considered, acknowledged, & known to all intents & purposes in as ample a manner as if they had been Inhabitants in, & Citizens of this State, at the time of forming the Constitution of the same.

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO ALTER AND ESTABLISH THE TIMES & PLACES OF HOLD-  
ING THE SEVERAL COURTS OF JUDICATURE WITHIN THIS STATE

[Passed February 17, 1785. Original Acts, vol. 9, p. 95; recorded Acts, vol. 5, p. 53. Laws, 1780 ed., p. 339; Perpetual Laws, 1789 ed., p. 39. See act of June 28, 1787. Repealed June 20, 1792.]

Whereas the times & places of holding the Superior court of Judicature, inferior courts of common pleas, & courts of general sessions of the peace, within the several countys of this State are found inconvenient & some alteration therein is become necessary—

Be it therefore enacted by the Senate & House of Representatives in general court convened & it is hereby enacted, that the times & places of holding the superior court of judicature, inferior courts of common pleas, & courts of general sessions of the peace, shall be, and hereby are, altered & established as follows, namely, The superior court of judicature shall be holden at Dover for the county of Strafford on the third tuesday of april & the second tuesday of september annually: and for the county of Rockingham at Portsmouth on the fourth tuesday of April and at Exeter—on the third tuesday of september annually: and for the county of Hillsborough at Amherst on the second tuesday of may & the first tuesday of october annually: and for the county of Cheshire, at Charlestown on the third tuesday of may & at Keen on the second tuesday of october annually: and for the county of Grafton at Plymouth on the fourth tuesday of may, and at Haverhill on the third tuesday of october annually:

The inferior court of common pleas for the county of Rockingham shall be holden at Portsmouth on the first tuesdays of february & june & at Exeter on the second tuesday of August & first tuesday of november annually:

The inferior court of common pleas for the county of Strafford shall be holden at Dover on the third tuesdays of february june & november, & at Durham on the third tuesday of august annually. The inferior court of common pleas for the county of Hillsborough, shall be holden at Amherst on the second tuesdays of march, june, & december, & the first tuesday of September annually. The inferior court of common pleas for the county of Cheshire shall be holden at Keen the third tuesdays of march & june & at Charlestown the second tuesday of september & third tuesday of december annually: The inferior court of common pleas for the county of Grafton shall be holden at Ply-

mouth on the first tuesdays of september & december, & at Haverhill on the first tuesdays of march & june annually. The court of general sessions of the peace for the county of Rockingham shall be holden at Portsmouth on the second tuesdays of february & june, & at Exeter on the fourth tuesday of august & second tuesday of november annually. The court of general sessions of the peace for the county of Strafford shall be holden at Dover on the thursdays next following the third tuesdays of february june & november & at Durham on the thursday next following the third tuesday of august annually. The court of general sessions of the peace for the county of Hillsborough shall be holden at Amherst on the thursdays next following the second tuesdays of march june & december & the first tuesday of september annually. The court of general sessions of the peace for the County of Cheshire shall be holden at Keen on the thursdays next following the third tuesdays of march & june, and at Charlestown the thursdays next following the second tuesday of september & third tuesday of december annually—

The court of general sessions of the peace for the county of Grafton shall be holden at Plymouth on the thursdays next following the first tuesdays of september & december, & at Haverhill on the thursdays next following the first tuesdays of march & june annually.

And whereas the inferior courts of common pleas & courts of general sessions of the peace have lately been held in the counties of Grafton and Hillsborough respectively—

Be it therefore enacted by authority aforesaid that the effect & operation of this Act, shall be, and hereby is, suspended in those two counties untill the fourteenth day of march next— And all writs, executions, warrants, venuries, recognizances, appeals, actions, indictments, & process of every kind, returnable to, or sustainable at, the next superior court of judicature, inferior court of common pleas, or court of general sessions of the peace, in any county of this State respectively, as now by law established, shall be returned to & sustained by, the next superior court of judicature, inferior court of common pleas, or court of general sessions of the peace, respectively established by this Act, whereof all persons are to take notice & govern themselves accordingly



## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT TO IMPOWER SARAH ROSS OF PORTSMOUTH WIDOW TO  
 SELL HER INTEREST IN A CERTAIN DWELLING HOUSE AND  
 LAND SITUATE IN PORTSMOUTH AFORESAID

[Passed February 21, 1785. Original Acts, vol. 9, p. 96; recorded Acts, vol. 5, p. 59.]

Whereas Sarah Ross of Portsmouth in said State widow has petitioned the General Court setting forth that her late Father George Vaughan Esq<sup>r</sup> deceased did in his life time by deed bearing date the twenty second day of June one thousand seven hundred and twenty two in consideration of natural affection give and grant unto her, and her late Husband John Ross, during her natural life, and after her decease to the Children, of her Body begotten by the said John Ross in equal shares and in case she should die without Children of her body begotten by the said John Ross who should live to the age of twenty one years, then and in that case to return to the said George Vaughan his heirs and assigns to pay to the said Ross his heirs and assigns the said Ross's reasonable disbursements on said Estate as they may be then valued at—A lot of land situate in said Portsmouth with a dwelling House thereon bounded as follows (viz) Beginning at the southwest corner of the land formerly George Townsend's at the Country road leading from the meeting House to the Creek or Islington and runs back by land formerly belonging to said Townsend north fifteen degrees west so far as said Townsend's land runs and then on the same course into said Vaughan's field until two hundred and forty feet be compleated and made up from the road aforesaid, Then west seventy two degrees into said Vaughan's field ninety two feet, then south fifteen degrees west one hundred and forty two feet, and from the first station on said Townsend's corner on the north side of said road one hundred and thirty feet to land belonging to John Downing J<sup>r</sup>, then back north fifteen degrees west by land formerly belonging to said John Downing ninety eight feet and then thirty four feet to the end of the line of one hundred and forty two feet, together with the Dwelling house and other Buildings on said land—Part of which Estate so given She has been obliged to sell for the support of herself and those dependent on her for subsistance; and that the title to the part so sold the General Court has confirmed to the Purchaser; And as the design of said Grant was for the comfortable support of the said Sarah, and as she is now reduced that she

must suffer unless she is enabled to dispose of the remainder of said land and Buildings for her subsistence Wherefore she prayed that she may be impowered to sell said land and Estate in fee and to apply the money arising therefrom to the support of herself and of them dependant on her—Which petition being read and considered and the prayer thereof appearing reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened That the said Sarah Ross be and hereby is impowered to sell her said interest for the purposes above mentioned and to make and execute a good Deed or Deeds to the purchaser or purchasers of the same which conveyance so made shall be deemed valid.—

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT TO IMPOWER MARY HART OF PORTSMOUTH WIDOW TO  
SELL THE INTEREST OF HER TWO CHILDREN MINORS UNDER THE  
AGE OF TWELVE YEARS—

[Passed February 21, 1785. Original Acts, vol. 9, p. 97; recorded Acts, vol. 5, p. 57. See act of January 1, 1787.]

Whereas Mary Hart of Portsmouth widow has petitioned the General Court setting forth that she has two Children both of whom are under twelve years of age, That said Children have a small interest in the real Estate of James Clarkson late of said Portsmouth Esq<sup>r</sup> deceased, and that She has no way of supporting them (who are in great want) unless she be enabled to dispose of said interest and to apply the money arising from the sale thereof to the procurement of necessities of Life for their use, Wherefore she prayed that she might be impowered to sell the interest of her said Children in the Estate aforesaid, and to make proper conveyances of the same, She giving Bond in the probate Office with good security that the money arising from said sale be appropriated to the use of her said Children and to no other purpose, Which petition being read, and considered, and the prayer thereof appearing reasonable,

Therefore be it Enacted by the Senate and House of Representatives in General Court convened, That the said Mary Hart be and hereby is impowered to make, execute, and acknowledge, a good deed, or deeds to the purchaser or purchasers of said interest which deed or deeds so made shall be deemed valid, any law usage or custom to the contrary, notwithstanding, She giving Bond in the probate office in the County where said

interest lies with sufficient security, that the monies arising from said sale be appropriated to the use of her Children aforesaid and to no other purpose whatsoever—

## [CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO REPEAL PART OF AN ACT PASSED IN THE FOURTH YEAR OF THE REIGN OF THE LATE KING GEORGE THE FIRST INTITLED "AN ACT FOR THE ESTABLISHING FORMS OF OATHS."

[Passed February 22, 1785. Original Acts, vol. 9, p. 98; recorded Acts, vol. 5, p. 68. Laws, 1780 ed., p. 342. The act referred to is dated May 14, 1718.]

Whereas the present form of government provides & sets forth a proper oath of office to be taken and subscribed by the president counsellors senators representatives and all military or civil officers (town officers excepted)

Be it therefore enacted by the Senate and House of Representatives in general court convened & it is hereby enacted That the several clauses in the above recited act prescribing the forms of oaths for counsellors Justices of the peace Sheriffs and Justices of the superiour or inferiour courts shall be and hereby are repealed.

## [CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER A COMMITTEE TO SETTLE AND FIX THE BOUNDARIES AND LINES BETWEEN THE TOWNSHIPS OF SANDWICH AND MOULTONBOROUGH & SANDWICH AND TAMWORTH

[Passed February 22, 1785. Original Acts, vol. 9, p. 99; recorded Acts, vol. 5, p. 64.]

Whereas Nathaniel Folsom and Samuel Folsom Esq<sup>rs</sup> as agents for the Proprietors of Sandwich and Jonathan Moulton Esqr as agent for the Proprietors of Moultonborough & Tamworth have Pettioned the General Coart representing that divers disputes and Controversies have arisen about the Lines of said Townships in consequence whereof many Actions have been commenced and are now pending at the Superior Court in the County of Strafford that from a desire of having the Lines ascertained by impartial men and of putting an End to a multiplicity of Suits at the Last Superior Coart for the County of

Strafford they mutually agreed that John Langdon Joshua Wentworth and Benjamin Chadbourn Esqr should be appointed to ascertain and fix the Lines in dispute between said Townships and in Case of the refusal or deccase of Either of Said Gentleman Benjamin Greenleaf Esqr be joined with the other two of the Committee for that purpose and in case two of said Gentleman should refuse or die that Charles Chauncy Esqr should be joined to the committee for the above purpose—And did further agree to petition the General Court to empower the said Committee to transact the said Business and that all Actions on Account of those disputes Should in the meantime be continued in Said Superior Court—And praying Leave to bring in a Bill accordingly Which appearing reasonable—

Be it therefore Enacted by the Senate and house of Representatives in General Coart conven'd and by the authorety of the same that the Committee appointed as aforesaid be and hereby are authorized and empowered to ascertain establish and fix the Lines between the said townships of Sandwich and Moultonborough and between Said Sandwich and Tamworth and that the Report of said Committee or any two of them to the Said superior Coart be final and conclusive between the said proprietors and between the parties in said actions and that Execution issue accordingly—

And that the Lines by said Committee so Settled be ever after deem'd and considered as the true Lines between the said respective Townships and that the said parties and Proprietors respectively conduct and regulate themselves accordingly—

### [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECT-MEN OF WASHINGTON TO TAX CERTAIN LANDS IN SAID TOWN FOR THE PURPOSES THEREIN MENTIONED.

[Passed February 22, 1785. Original Acts, vol. 9, p. 100; recorded Acts, vol. 5, p. 67. See additional act of November 3, 1785.]

Whereas divers Inhabitants of said Washington have petitioned the General Court setting forth that they "labour under great disadvantages by reason of the badness of Roads especially the main Road leading thro' said Town from Hillsborough to Lemster and from Amherst to Charlestown—that a considerable part of said Roads runs thro' Lands belonging to Non-Residents;—and, that the badness thereof prevented much travelling—to the disadvantage both of the Town and public—and praying for Assistance from all the unimproved lands in

said Town for the purpose of making said Roads better and keeping them in good Order—which prayer appearing reasonable—and the substance thereof having been duly published—and no Objection thereto been made.—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened that the Select-Men of said Washington for the time being be and hereby are fully authorized and empowered to tax all the lands in said Town (as well those belonging to NonResidents as others) at the Rate of one penny p<sup>r</sup> Acre for the Term of Three years—said Tax to be applied to the sole purpose of making better and keeping in order the Roads aforesaid.—

Provided Nevertheless that this Act shall not extend to Lands owned by and in possession of the Original Grantors of said Town.—

#### [CHAPTER 14.]

*State of  
New Hampshire.* }

#### AN ACT TO INCORPORATE A PLACE CALLED OSSIPEE GORE IN THE COUNTY OF STRAFFORD—

[Passed February 22, 1785. Original Acts, vol. 9, p. 101; recorded Acts, vol. 5, p. 62.]

Whereas the Inhabitants of said Ossipee Gore have petitioned the General Court representing they labour under many inconveniences for want of an incorporation and praying they may be incorporated, of which public notice has been given, and no objection being made

Therefore be it Enacted by the Senate and House of Representatives in General Court convened, That there be, and hereby is, a Township erected and incorporated by the name of Ossipee and bounded as follows, Beginning at the northeast corner of Wolfborough, Thence northeasterly on Wakefield line to Effingham, Thence by Effingham northwesterly and northeasterly to Ossipee River; Thence up by Ossipee river and Ossipee pond to six mile river so called; Thence up said six mile river to Eaton line; Thence by said Eaton line to the northeast corner of Tamworth; Thence southerly and westerly by Tamworth line to the northeast corner of Moultonborough, Thence on a straight line by Tuftonborough to the northwest corner of Wolfborough, and thence by said Wolfborough to the bound began at.—And the Inhabitants of said tract of land are hereby erected into a body politic and corporate to have continuance and succession forever, and invested with all the powers and enfranchised with all the rights privileges and immunities which any Town within

this State holds and enjoys, To hold to said Inhabitants and their Successors forever; And Capt Jacob Brown is hereby authorised and impowered to call a meeting of said Inhabitants to choose all necessary and customary Town officers giving fourteen days notice of the time, place, and design of such meeting, and the officers then chosen shall be invested with all the powers of such officers as in any other Town within this State; and every other meeting which shall be annually held in said Town for that purpose shall be on the third Monday of March—

Provided Nevertheless that this Act shall not be construed to affect Private property in any measure or degree whatsoever, nor the Acknowledgment of the Validity of any lines named therein any further than Jurisdiction only.

### [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE GUARDIANS OF THE HEIRS OF PHILIP EASTMAN LATE OF WALPOLE, DECEASED, TO SELL ALL THE REAL ESTATE OF THE SAID HEIRS FOR THE PAYMENT OF DEBTS AND THE SUPPORT OF SAID HEIRS—

[Passed February 23, 1785. Original Acts, vol. 9, p. 102; recorded Acts, vol. 5, p. 72.]

Whereas a petition hath been prefered to this Court by Benjamin Bellows Esqr Asahel Bundy Husbandman both of Walpole and Peter Eastman of New-Haven, representing that it is necessary that part of the real Estate of the said Heirs should be sold to discharge the Debts due from said Estate, and that a Division of said Lands and sale of part thereof would be greatly to the Loss and Detriment of the said Heirs, as the Lands are not sufficient to make two Livings, and praying Liberty, as Guardians, to sell all the real Estate of said Heirs; Which Representation appearing Just and the prayer of the petition reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court convened. That said Benjamin Bellows Guardian of Polly Eastman, and Asahel Bundy and Peter Eastman aforesaid, Guardians of Easter Eastman, Sibil Eastman & Elizabeth Eastman, Minors under the age of fourteen Years, Heirs of Philip Eastman late of Walpole deceased, be, and they hereby are fully authorised and impowered to grant, sell and convey by good Deed or Deeds of Bargain and Sale, all the real Estate of the said Heirs now in their hands, for the payment of all the debts, due from said Estate, giving Bond with two sufficient Sureties to the Judge of Probate for

the County of Cheshire, to account with him for all the overplus monies said Estate shall be sold for, after the payment of the Debts aforesaid.—

[CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF MERRIMACK-RIVER, IN JAMES ROBERTSON OF BOW—

[Passed February 23, 1785. Original Acts, vol. 9, p. 103; recorded Acts, vol. 5, p. 70.]

Whereas the said James Robertson hath petitioned this Court representing the great Necessity there is, of having a stated Ferry over Merrimack-River between the Towns of Bow and Pembroke, and that there is a Road laid out from the River Road in Bow near Moor's Brook (so called) to the Bank of Merrimack-River and from the opposite Bank, through said Robertson's Land, to the main Road in Pembroke aforesaid; and praying the exclusive privilege of keeping a Ferry within certain Limits there, may be granted to him his Heirs and Assigns.—Which representation appearing just and the prayer of said petition reasonable

Be it enacted by the Senate and House of Representatives in General Court convened: That the sole and exclusive Right and privilege of keeping a Ferry over said Merrimack-River any where between the mouth of Moor's Brook (so called) as the lower boundary; and the Mouth of Sow-Cook-River (so called) as the upper boundary be, and hereby is granted to, and vested in him, the said James Robertson, his Heirs and Assigns; he and they from time to time as the same shall fall, giving Bond with Security in the Sum of a Thousand pounds to the Clerk of the Court of the General Sessions of the Peace for the County of Rockingham That the said Ferry shall be well kept, and constantly attended—

And be it farther enacted by the Authority aforesaid. That if any person or persons shall for hire or Reward transport over said Merrimack River between the mouths of the aforesaid Moor's Brook and Sow-Cook River any person, Creature or thing; such person so transporting shall forfeit and pay the Sum of forty shillings the one half to the informer & the other half to the County of Rockingham for each person Creature or thing so transported, to be recovered by Action of Debt before any Justice of the Peace within the said County.—

## [CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT FOR RAISING THE SUM OF TWENTY TWO THOUSAND  
POUNDS FOR THE USE OF THIS STATE THE PRESENT YEAR—

[Passed February 23, 1785. Original Acts, vol. 9, p. 104; recorded Acts, vol. 5, p. 77. Laws, 1780 ed., p. 342.]

Whereas it is necessary that a sum should be raised to discharge the interest and part of the principal of the public securities of this State, as also the interest of certain loan office certificates issued and owned by the Inhabitants thereof, and also to pay the charges of Government the present year.—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened, That there be and hereby is granted for the current year the sum of twenty two thousand pounds which sum is to be paid into the Treasury of this State for the purposes above mentioned; And the Treasurer is hereby directed to issue his warrants to the Selectmen or Assessors of the several Towns, Parishes, and Districts within this State according to the proportion act made the last year; And the said Selectmen, or Assessors, are hereby respectively required to assess and levy the same according to law, and cause the same to be paid into the Treasury of this State by the first day of March one thousand seven hundred and eighty-six.—And the said Assessments shall be made according to each person's poll and ratable Estate which he possesses on the first day of April next, which Tax or Assessment shall be paid in gold or silver, or in certificates that have been or may be issued by the Treasurer of this State, or the Continental loan officer thereof, and paper bills called new Emission at an exchange of one silver dollar for three of said paper on the principal only, no interest on said Bills to be calculated; And also orders drawn by the President on said Treasurer for specie—And all Constables and Collectors as well as the said Treasurer are hereby directed to receive the same—



## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE INHABITANTS OF NEW LONDON TO TAX  
CERTAIN LANDS FOR THE PURPOSES THEREIN MENTIONED.

[Passed February 23, 1785. Original Acts, vol. 9, p. 105; recorded Acts, vol. 5, p. 74.]

Whereas divers of the Inhabitants of said New London have petitioned the General Court setting forth that they were requested by the Select Men of Protectworth to lay out and cut and repair a Road from Kiersearge-Gore (so called) thro' the North-erly part of New London to Protectworth aforesaid being about four Miles—that in case of Neglect the said Select Men would make Application for a County Committee to perform said business at the Expence of the Inhabitants of said New London—which to them wou'd be great & burthensome, being but few in Number and mostly in Low Circumstances—and, that in laying out said Town no Lands were reserved for Roads—and praying that the Lands of Non Residents (with their own) might be taxed for purchasing Lands for Roads and for the opening and repairing the Road mentioned & requested by the said Select-Men of Protectworth— the Substance of which petition having been duly published—the prayer thereof appearing reasonable—& no Objection thereto having been made—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened that the Select-Men of said New London for the Time being be and hereby are fully authorized & empowered to tax all Lands in said Town (as well those owned by Non Residents as others) at the rate of one penny p<sup>r</sup> Acre for the Term of Three Years—the Money arising therefrom to be applied to the sole purpose of purchasing Lands for Roads in said Town, &, for opening & repairing the Road requested by the Select-Men of Protectworth aforesaid—

Provided Nevertheless, that this Act shall not extend to the taxing any Lands in said Town now owned by, or in possession of the Original Grantors of said Town—

## [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT FOR PAYING THE INTEREST AND PART OF THE PRINCIPAL OF THE PUBLIC SECURITIES OF THIS STATE AND FOR ISSUEING NEW NOTES —ALSO FOR PAYING A FURTHER INTEREST ON CONTINENTAL SECURITIES—

[Passed February 23, 1785. Original Acts, vol. 9, 106; recorded Acts, vol. 5, p. 83. Laws, 1780 ed., p. 343.]

Whereas it is Necessary that the Interest of this State's Debt should be Annually Discharged and as much of the Principal as may be—Therefore Be it Enacted, by the Senate & House of Representatives in General Court convened, That the Treasurer of this State for the time being be empowered & directed to Receive into the Treasury all such Notes Issued by this State as may be brought to him, and give a Certificate for the Interest and Fifteen per Cent of the Principal of such Notes to all persons who may desire the same, Calculating the said Fifteen per Cent on the balances which are now due on s<sup>d</sup> notes and after deducting the Sums paid shall give a New Note for the Remaining sums which Notes shall be in the same words & Figures as the Notes prescribed in An Act passed January 16<sup>th</sup> 1782. Excepting as to the date of said Notes which shall be July 31<sup>st</sup> 1785, and Shall be Signed by the Treasurer.—And Be it further Enacted that Josiah Gilman & Joseph Pearson Esq<sup>s</sup> & M<sup>r</sup> Ephraim Robinson be and they hereby are appointed a Committee any Two of whom to Countersign said Notes— And Be it further Enacted that the form of the Certificates shall be as follows

Treasury Office  
State of  
New Hampshire } ./N<sup>o</sup>. / July 31<sup>st</sup> 1785.

I                      Treasurer of the State of New Hampshire  
do hereby Certify that there is due from said State to  
Lawfull Money and the several Constables & Collectors within  
this State are hereby directed to Receive this Certificate in  
payment of all Assessments & Taxes for the Use of this State  
in Lieu of & Equal to Gold & Silver and the same shall be so  
received by the Treasurer of this State for the time being for  
all state Taxes.

Witness my Hand

Treasurer

which Certificates shall be Signed by the Treasurer

And Be it further Enacted that the Continental Loan Officer for this State be & hereby is Empowered & directed to Issue Certificates for Interest due on Continental Loan Office Certificates Issued from the Office in this State Calculating the same for as many full Years as may be due prior to the 31<sup>st</sup> Day of July 1785—

Provided nevertheless that this Act shall not be in force untill the 31<sup>st</sup> day of July Next.

## [CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT FOR RAISING, BY A LOTTERY, THE SUM OF SIXTEEN HUNDRED DOLLARS TO BE LAID OUT ON THE FALLS IN MERRIMACK RIVER, FOR THE MORE EASY CONVEYANCE OF TIMBER DOWN THE SAME—

[Passed February 24, 1785. Original Acts, vol. 9, p. 107; recorded Acts, vol. 5, p. 81.]

Whereas a petition hath been preferred to this Court by Henry Gerrish and others, praying a Lottery might be granted to raise the sum aforesaid to be laid out in clearing said River in order to facilitate the Conveyance of Masts, Timber &c down the same—Which petition appearing reasonable as the Design is calculated to promote the Interest of this State

Be it therefore enacted by the Senate and House of Representatives in General Court convened; That the persons herein after named be and they hereby are authorised and permitted to form and carry on a Lottery for the purposes aforesaid, in so many Classes as they shall judge proper, provided the said Lottery be drawn and finished within the Term of Two Years from the passing this Act And that Timothy Walker Esq<sup>r</sup>, Gen<sup>l</sup> John Stark, Robert Macgregore Esq<sup>r</sup> Cap<sup>t</sup> Reuben Kimball & Peter Green Esq<sup>r</sup> or the major part of them are appointed Managers of the said Lottery, who shall be under Oath to be administered by any Justice of the peace for the faithful discharge of their Trusts, and shall duly pay all prize Tickets according to their Tenor and Scheme, and shall refund any sum or sums of money that shall be paid for Tickets in any Class of said Lottery, in Case such Class should not be drawn & finished within the Term aforesaid—And the said Managers, or major part of them are hereby authorized and impowered to appropriate the money so raised to the Use aforesaid in such places and in such manner as to them shall seem most advantageous—

And the said Managers shall be paid their reasonable Demands for their Time and Charge about said Business out of the money

so raised, and shall render fair and regular Accounts of all expenditures, charges & Demands, to the General Court when thereunto required, and shall be accountable to said Court for all their proceedings in the premises—

[CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT. TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF MERRIMACK RIVER, IN LEMUEL TUCKER OF CONCORD, HIS HEIRS AND ASSIGNS.

[Passed February 24, 1785. Original Acts, vol. 9, p. 108; recorded Acts, vol. 5, p. 79.]

Whereas the said Tucker hath petitioned this Court, setting forth, that he for many years past hath kept a Ferry over said River, by the Name of Eastman's-Ferry, without any Grant of the same made to him by this State, and that it is necessary a Ferry should be still maintained in that place, and praying the exclusive privilege of keeping the same may vest in him and his Heirs, which Representation and prayer, from the situation of the said Tucker and other Considerations, appear just and reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened: That the sole and exclusive Right & privilege of keeping a Ferry over said River in any place within one Mile of the now dwelling-House of the said Lemuel Tucker be, and hereby is granted to, and vested in the said Lemuel Tucker, his Heirs & Assigns, he and they from time to time as the same shall fall, giving Bond with Surety in the Sum of one Thousand pounds to the Clark of the Court of the General Sessions of the peace for the County of Rockingham that the said Ferry shall be well kept and constantly attended—

And be it farther enacted, that if any person or persons shall for hire or reward transport over said River within one Mile of the said Dwelling-House, any person, Creature or thing, such person so transporting shall forfeit and pay forty shillings for each Person, Creature or thing so transported, to be recovered by Action of Debt before any Justice of peace in said County one Moiety of which sum shall go to the Complainant, and the other Moiety to the County of Rockingham—

[VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION.]

*State of* }  
*New Hampshire.* }

In the House of Representatives, February 10, 1785.

Voted that the Account of the Honb<sup>l</sup> George Atkinson Esq<sup>r</sup> amounting to ten pounds & two Shillings (for a state seal) be allowed and paid out of the Treasury by order of the President.

Senate concurred February 10, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 11, 1785.

Upon reading and considering the Petitions from the Towns of New Castle and Rye. Voted that the prayer of said Petitions be granted and that the Town of Rye have the privilege of Electing a Representative Seperate from the Town of New Castle—

Senate concurred February 11, 1785.

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*State of* }  
*New Hampshire.* }

In Senate, February 21, 1785.

Voted that the paper Bills called the New Emission money issued by this State not yet redeemed, Shall be received by the Treasurer of this State towards payment of all Taxes now due or that shall be hereafter due at the rate of three of said New Emission for one Silver Dollar on the principal only no interest on said Bills to be calculated.

The House of Representatives concurred February 21, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 22, 1785.

Voted that the Rev<sup>d</sup> Jeremy Belknap be and he hereby is appointed and requested to prepare and preach an Election Sermon at Portsmouth on Thursday the Second day of June next, and that the President be desired to give the necessary information thereof.

Senate concurred February 22, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 22, 1785.

Resolved that the Committee on Soldiers Accounts make up the Accounts for bounties paid by the Several Towns in this State to

Soldiers who engaged to Serve in the Continental Army in the years 1777, 1778 and 1779 for a less term of time than three years and who actually performed the Service for which they engaged—And also that they make up the Accounts for Supplies to Soldiers families from the first day of January 1780 to the twenty first of June 1783 at which time the Supplies were ordered to be Stopped, and that no accounts be allowed but such as are well vouched or attested to by the Select men, & have been lodged with the Committee of Claims agreeable to the Votes of the General Court—And that the President be authorized to draw order on the Treasurer in favour of Such Towns as shall produce a Certificate from the Committee on Soldiers Accounts of the Sums due for Bounties and Supplies advanced by any Town in consequence of or agreeable to any Act, Vote or Resolve of the General Court and that the Same has been deducted from the Soldiers wages—

Senate concurred February 22, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 23, 1785.

The Committee upon the Petition of the Select men of Dunbarton reported as their Opinion that the Sheriff of the County of Hillsborough be and he is hereby impowered to apprehend the Body of John Stinson now resident at said Dunbarton, who was an Absentee from this State and joined himself in Arms with our Enemies, who returned to said Dunbarton more than one year last past—that the said Sheriff do as soon as may be convey the Body of the aforesaid John Stinson to the Goal in Portsmouth in the County of Rockingham in order that he afterwards as soon as may be Transported to Some port in his Britannic Majesties Dominions by some person at said Portsmouth at the Expence of this State, that said stinson may not return to this State again. Signed M. Thornton for the Committee, Which report being read and considered—Voted that it be received and Accepted—and that George Gains Esq<sup>r</sup> be appointed to get a Passage for the said Stinson.

Senate concurred February 24, 1785.

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*State of* }  
*New Hampshire.* }

In Senate, February 24, 1785.

Resolved that the Sums due on the Several Rolls to the members of the House of Representatives respectively for Attendance in General Court, Since the first Wednesday in June last be charged to the Several Towns and Districts they represent in the Tax Bill ordered the present Session—and that orders drawn by the persons therein named be received in Discharge of the Taxes of the Several Towns and Districts they Represent—

The House of Representatives concurred February 24, 1785.

## [SECOND GENERAL COURT.]

*[Held at Portsmouth and Concord, Three Sessions, June 1, 1785  
to March 4, 1786.]*

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, PRESIDENT OF THE STATE.

EBENEZER THOMPSON, SECRETARY.

JOHN TAYLOR GILMAN, TREASURER.

JOHN MCCLARY, PRESIDENT OF THE SENATE.

JOHN SULLIVAN, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Nathaniel Peabody,	Atkinson.
Matthew Thornton,	Merrimack.
John Sullivan,	Durham.
Amos Shepard,	Alstead.
Moses Dow,	Haverhill.

## [MEMBERS OF THE SENATE.]

John McClary, President,	Epsom.
Joseph Gilman,	Exeter.
Joshua Wentworth,	Portsmouth.
Elected in place of John Langdon who resigned.	
John Wentworth,	Dover.
Moses Chase,	Cornish.
George Atkinson,	Portsmouth.
Nathaniel Peabody,	Atkinson.
Otis Baker,	Dover.
Matthew Thornton,	Merrimack.
Ebenezer Webster,	Salisbury.
John Bellows,	Walpole.
Francis Worcester,	Plymouth.

## [MEMBERS OF THE HOUSE.]

Atkinson and Plaistow,	Nathaniel Peabody.
Brentwood,	Levi Morrill.
Candia,	Nathaniel Emerson.
Canterbury and Northfield,	Charles Glidden.
Chester,	William White.
Concord,	Peter Green.
Deerfield,	Moses Barnard.
Epping,	Thomas Bartlett.

Exeter,	Josiah Gilman.
Greenland,	William Weeks.
Hampton,	Christopher Toppan.
Hampton Falls and Seabrook,	Abner Sanborn.
Hawke and Sandown,	Thomas Page.
Kensington,	Moses Shaw.
Kingston,	John Eastman.
Londonderry,	John Prentice.
	Archibald McMurphy.
Loudon,	Nathan Batchelder.
Newington,	Ephraim Pickering.
North Hampton,	Moses Leavitt.
Nottingham,	Thomas Bartlett.
Pelham,	Jacob Butler.
Pembroke,	Richard Bartlett.
Portsmouth,	George Atkinson.
	George Gains.
	John Pickering.
Rye,	Samuel Jenness.
Salem,	Caleb Dustin.

## STRAFFORD COUNTY.

Barnstead, New Durham and New Durham Gore,	} Thomas Tash.
Barrington,	
Dover,	Joshua Foss.
Durham,	John Waldron.
Gilmanton,	John Sullivan.
Lee,	Joseph Badger, Jr.
Moultonborough, Tuftonbor- ough, Wolfeborough and Ossipee,	} Reuben Libby.
Rochester,	
Sanbornton,	James Knowles.
Sandwich and Tamworth,	William Harper.
Somersworth.	David Gilman.
	Jonathan Wentworth.

## HILLSBOROUGH COUNTY.

Amherst,	Robert Means.
Boscawen,	George Jackman.
Dunbarton and Bow,	John Bryant.
Dunstable,	Benjamin French.
Fishersfield, Sutton and War- ner,	} Matthew Harvey.
Goffstown,	
Hancock, Antrim and Deer- ing,	} Robert McGregor.
	} John Duncan.



Henniker and Hillsborough,	Robert Wallace.
Hollis,	Daniel Emerson.
Hopkinton,	Benjamin Darling.
Lyndeborough,	Levi Spaulding.
Merrimack and Bedford,	Timothy Taylor.
	James Martin.
New Ipswich,	Ephraim Adams.
Nottingham West,	Samuel Marsh.
Peterborough and Society } Land,	Matthew Wallace.
Raby and Mason,	Samuel Douglas.
Salisbury,	Robert Smith.
Weare,	Jonathan Dow.
Wilton,	Philip Putnam.

## CHESHIRE COUNTY.

Acworth, Lempster, and } Marlow,	Elijah Frink.
Alstead,	Amos Shepard.
Charlestown,	Elijah Grout.
Claremont,	Benjamin Sumner.
Cornish and Grantham,	Nathan Young.
Dublin and Packersfield,	Samuel Griffin.
Jaffrey,	John Gilmore.
Keene,	Benjamin Hall.
Marlborough and } Fitzwilliam,	Samuel Kendall.
Newport and Croydon,	Stephen Powers.
Plainfield,	Joseph Kimball.
Richmond,	Jonathan Gaskill.
Rindge,	Edward Jewett.
Stoddard and Washington,	Jacob Copeland.
Surry and Gilsum,	Lemuel Holmes.
Swanzy,	Elisha Whitcomb.
Westmoreland,	Samuel Works.
Winchester,	Simon Willard.

## GRAFTON COUNTY.

Bath, Lyman, Landaff, Gun- } thwaite, Littleton and Dalton,	John Young.
Enfield, Canaan, Cardigan, } Dorchester and Graf- ton,	Ebenezer Hoyt.
Hanover,	Russell Freeman.

Holderness, Campton, Thornton, Lincoln, and Franconia,	}	Noah Worcester.
Lancaster, Northumberland, Strafford, Dartmouth, Percy, Cockburn and Coleburn,	}	Joseph Whipple.
Lebanon,		Elisha Payne.
Lyme and Orford,		William Simpson.
New Chester, Alexandria and Cockermonth,	}	Enoch Noyes.
Plymouth, Rumney and Wentworth,	}	Abraham Burnham.

[*First Session, Held at Portsmouth, June 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 1785.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THOMAS BARTLET ESQUIRE OF NOTTINGHAM GUARDIAN TO EBENEZER, COTTON AND EZEKIEL FISK, MINOR HEIRS OF EBENEZER FISK LATE OF EPPING PHYSICIAN DECEASED INTESATE, TO MAKE AND EXECUTE A GOOD & LAWFUL DEED OF SALE OF CERTAIN LANDS, LYING IN EPPING, & BRINTWOOD

[Passed June 16, 1785. Original Acts, vol. 9, p. 109; recorded Acts, vol. 5, p. 87.]

Whereas Thomas Bartlet Esquire of Nottingham in the County of Rockingham has petitioned this Court, setting forth, that he is appointed Guardian to Ebenezer, Cotton and Ezekiel Fisk minors, sons of Doctor Ebenezer Fisk late of Epping deceased intestate; that his said Wards had set off to them about twenty five acres of land lying in Epping & Brintwood as their shares of their said Fathers estate, the greatest part of which land was under very little improvement, taxes & fines amounting to almost all the income—That their former Guardian Ezekiel Morrill at a time when money was much plentier than now, sold & bargained away said land to one Abraham Gordon & one Paul Brown for a large price, & gave bonds to procure deeds for the same, and put them in possession of the premises, on which they have made considerable improvements which they are unwilling to relinquish—

And that it appears to the Petitioner that the money said land sold for, with the interest of the same, will be of much more value to his said wards, when they come of Age, than the lands aforesaid. Wherefore he prayed that he might be empowered to give a valid conveyance of said premises.—which appearing reasonable.—

Therefore be it Enacted by the Senate & House of Representatives in General Court convened, That the said Thomas Bartlet Guardian as aforesaid, be, & he hereby is fully empowered to make & execute valid conveyances of the aforesaid premises with the appurtenances to the same belonging to them the said Abraham Gordon & Paul Brown their Heirs & Assigns in fee simple. Any Law, usage, or custom to the contrary notwithstanding.—Provided he the said Thomas Bartlet give bond to the Judge of Probate for said County faithfully & impartially to account for the Monies arising from the sale of said Lands,

with sufficient sureties in a reasonable sum, in like manner a Guardians in other cases, are by Law bound to do.—

[CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO REPEAL AN ACT INTITLED “AN ACT TO PREVENT THE TRANSFER OR CONVEYANCE OF THE ESTATES & PROPERTY OF ALL SUCH PERSONS WHO HAVE BEEN OR SHALL BE APPREHENDED UPON SUSPICION OF HAVING BEEN GUILTY OF TREASON MISPRISION OF TREASON OR OTHER INIMICAL PRACTICES RESPECTING THIS STATE THE UNITED STATES ANY OR EITHER OF THEM & ALSO FOR SECURING ALL LANDS WITHIN THIS STATE AS WELL OF SUCH PERSONS AS HAVE TRAITEROUSLY DESERTED OR MAY HEREAFTER DESERT THE COMMON CAUSE OF AMERICA AND HAVE GONE OVER TO OR IN ANY WAY OR MANNER JOINED OUR ENEMIES AS OF THOSE WHO BELONG TO OR RESIDE IN GREAT BRITAIN” PASSED NOV<sup>R</sup> THE 29<sup>th</sup> 1777. AS FAR AS SAID ACT RESPECTS THE POWER OF ATTORNEY GIVEN BY PETER LIVIUS ESQ<sup>R</sup> TO WOODBURY LANGDON ESQ<sup>R</sup>

[Passed June 16, 1785. Original Acts, vol. 9, p. 110; recorded Acts, vol. 5, p. 89.]

Whereas Woodbury Langdon Esq<sup>r</sup> has petitioned the General Court setting forth that Peter Livius Esq<sup>r</sup> when he left this Country and went to Great Britain owing the said Langdon a considerable Sum of Money gave him an ample power of Attorney to sell and convey all or any part of the real Estate of the said Livius within this State to pay said Livius's Debts—that sometime after said Power was given the late Contest between Great Britain and America began and an Act was passed by the Legislature of this State to suspend the Operation of all such Powers whereby s<sup>d</sup> Langdon has been prevented executing the Trust reposed in him as aforesaid and that he as he had occasion to sell part of an house in Portsm<sup>o</sup> in said State belonging to said Livius for the purpose aforesaid he prayed that as the Reasons for passing said Act had ceased that the same might be repealed at least so far as it respects said Power.

The facts in said Petition being proved & the prayer thereof appearing reasonable. Therefore Be it enacted by the Senate and House of Representatives in General Court convened That s<sup>d</sup> Act so far as it respects & suspends the Operation of said Power of Attorney be and it hereby is repealed and that the s<sup>d</sup> Langdon be and he hereby is enabled to do and transact any Matteror thing he was originally empowered to do and transact by virtue of said Power of Attorney any Law Usage or Custom to the Contrary notwithstanding.

## [CHAPTER 3.]

*State of  
New Hampshire.* }

## AN ACT DIRECTING AND REGULATING THE APPOINTMENT AND CHOICE OF PETIT JURORS

[Passed June 17, 1785. Original Acts, vol. 9, p. 111; recorded Acts, vol. 5, p. 91. Laws, 1780 ed., p. 345; Perpetual Laws, 1789 ed., p. 43. Laws, 1792 ed., p. 106. See act of May 7, 1754.]

Whereas it is of the utmost importance that impartial jurors should be appointed to serve in the several courts of Justice in this State:

Be it enacted by the Senate and House of Representatives in General Court convened, That the selectmen of each town, and of each parish (having the privilege and power of towns) within this State, shall take a list of the names, of all persons living within their respective limits, qualified in the opinion of the Select men to serve as petit jurors, each of whom to have an estate of freehold of forty shillings per annum, or other estate to the value of fifty pounds, and shall chuse out of such list one third part of the number of the names contained therein, of such persons as they shall judge most suitable to serve as jurors, at the superior court, and shall write their names on separate pieces of paper, and put them into a box to be by said selectmen provided for that purpose, and the remainder of the names in such list, to be written as aforesaid, and put into another box, to be so provided, and the persons whose names shall be so put in the last mentioned box, shall serve on the petit jury at the inferior court of common pleas, and court of general sessions of the peace, which boxes shall be delivered to the town or parish clerk, to be by him kept under lock.

And be it further enacted, That the Venire facias for said jurors, shall be issued by the clerks, of the respective courts aforesaid, thirty days at least, before the day of the sitting of the court, to which it is returnable; and shall be directed to the clerk of the town or parish, requiring him, to cause so many persons to be appointed and returned of those duly qualified, within the town or parish of which he is clerk, as shall be mentioned in the Venire, (and as shall be ordered by the justices of said Courts respectively,) who shall thereupon immediately, notify a town, or parish meeting, according to the customary method of calling such meetings, within such town, or parish respectively, to be held at least six days, before the sitting of the court to which the venire is returnable. And that such appointment of jurymen, may be fairly and impartially transacted, the town or parish clerk, or in case of his absence or sickness,

one or more of the selectmen, shall carry into the meeting the proper box locked, which shall be unlocked there, and the town or parish clerk, or a selectman attending as aforesaid, shall draw out of the said box, before all the persons assembled, so many of the papers in said box, as there are jurors required by the venire, and the persons whose names shall be so drawn out of the box, shall serve accordingly. Excepting, any whose names shall be drawn out shall be then sick, or any other ways unable to serve, in the judgment of those upon that occasion assembled; in which case, their names shall be returned into the box, and others drawn in their stead. And that the same persons may not serve too often, the clerk or selectmen, who shall draw out the names as aforesaid of such as shall be returned to serve as jurors, shall enter on the back of the paper, on which such names shall be written, the time when such draught shall be made, and return the same into the box again. And no person shall be obliged to serve as a juror (altho' his name shall be drawn as aforesaid) oftener than once in three years. And for the more orderly proceeding at such meeting, the qualified voters in town affairs, who shall be present, may and shall first proceed to chuse a suitable person, then present, to be moderator of the meeting, and to govern and regulate the business of such meeting. And until a moderator shall be so chosen, the town clerk, or in case of his absence as aforesaid, a select-man shall govern the said meeting. And the selectmen aforesaid, shall once every year, regulate the said lists, by adding thereto any new names, of persons becoming qualified, since the last regulation; and by filling up the vacancies made by death, or other disability, in the said boxes; and also by transferring the names from one box to the other, as there may be occasion, by the addition of young men's names, to the list, or other ways. And when any person shall be appointed to serve as a juror, in manner aforesaid, the town or parish clerk shall send a notification thereof in writing, by the hand of a constable, to the juror, which shall be delivered to him, or left at his dwelling house, at least four days before the day of the court's sitting, at which he is to serve; which notification shall set forth the time, when such juror's name was drawn, the name of the court at which he is to serve, and the day when he must appear there. And the said town and parish clerk respectively, shall certify to the clerk of the court, who issued the venire, on the back thereof, the names of the persons, so appointed to serve as jurors, and that they have been duly notified as aforesaid, at least the day before the sitting of the court, to which the venire is returnable. And if any person who shall be so appointed and notified to serve as a juror, shall neglect to attend accordingly, he shall be liable and subject to the fine and penalty of thirty shillings.

And be it further enacted, That the justices of the respective

courts aforesaid, are hereby directed upon motion from either party in the cause to be tried, to put a juror to answer upon oath (whether returned as aforesaid, or as a talisman) whether he doth expect to gain or lose by the issue of the cause then depending? Whether he is any ways related to either party? and whether he hath been of council to either party, or directly or indirectly, given his opinion, or is sensible of any prejudice in the cause? And if it shall appear to the court, that such juror does not stand indifferent in said cause, he shall be set aside from the trial of that cause, and another appointed in his stead. And the sheriff and coroner respectively are hereby authorized, to fill up a jury by returning talis-men as the case may require.

And be it further enacted, That upon any emergency, a sufficient number of jurors may be appointed, and summoned, while such courts respectively are sitting. And the Venire shall be issued to the town or parish clerk immediately and the names drawn, according as this act directs. And in such cases the town, and parish clerk respectively, shall order the constable, or constables, of the town or parish respectively, to warn a meeting forthwith, and the number of jurors required in the venire, shall be immediately drawn and appointed as aforesaid, and notified to attend the service of the court, from whence the venire issued, which shall be returned as soon as may be. And the jurors so appointed, and notified, shall immediately attend accordingly, on the pains and penalties aforesaid, in case of neglect so to do. And the town and parish clerks aforesaid, shall be paid for the services enjoined them by this act, what is reasonable, by the towns and parishes in which they serve, yearly.

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT FOR THE ADMEASUREMENT OF BOARDS AND FOR REGULATING THE TALE OF SHINGLES CLAPBOARDS HOOPS AND STAVES AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Passed June 21, 1785. Original Acts, vol. 9, p. 112; recorded Acts, vol. 5, p. 95. Laws, 1780 ed., p. 348; Perpetual Laws, 1789 ed., p. 188; Laws 1792 ed., p. 313. See act of June 15, 1791, Laws, 1792 ed., p. 325. This act and the act of 1787 repeal all previous acts about the admeasurement of lumber.]

Be it enacted by the Senate and House of Representatives in General Court convened. That the President with advice of Council appoint as often as occasion may require a surveyor or surveyors in the towns of Portsmouth, Dover, Durham, Somersworth, Newmarket Exeter and any other town or towns within

this state which shall apply for the appointment of the same, who shall survey and measure boards, plank, spars, timber, slit-work, shingles, clapboards staves and hoops, and who shall be sworn to the faithful performance of the trust reposed in them And all boards, plank, spars, timber or slitwork offered to sale shall previous thereto be surveyed and also measured by one of the said surveyors, where he shall have any doubt of the measure, having due consideration for drying and shrinking, who shall also mark anew all such to the just contents thereof, making reasonable allowance for rots knots and splits. And the buyer shall pay to the surveyor six pence per thousand feet for viewing only and six pence per thousand feet more for measuring and marking and so in proportion for a less quantity.

And be it further enacted by the authority aforesaid That no pine boards shall be shipped for exportation to a foreign market but such as are square edged and not less than one inch in thickness and not less than ten feet in length on pain of being forfeited to the use of the town where they shall be shipped.

And be it further enacted, That no shingles clapboards staves or hoops shall be offered for sale in any town in this state, that shall be under the following dimensions, viz<sup>t</sup> all shingles shall be split cross ways the grain and be eighteen inches long except those made for home use, pine shingles shall be free from sap and all shingles shall be free from shakes and worm holes and shall be half an inch thick at the butt end when green and full three eighths of an inch when thoroughly seasoned if for exportation to a foreign markett and not less than one third of an inch thick at the butt when fully seasoned if for home use and four inches and an half wide on an average and none less than three inches wide and shall hold their width three fourths of the way to the thin end and be well shaved and each bundle shall contain two hundred and fifty shingles or if bound in square bundles shall contain twenty five courses and measure twenty two inches and an half at the lay and in case there should be more than five shingles in any one bundle that are not of the above length breadth and thickness or five short in the tale of any bundle of two hundred and fifty the bundle that is so deficient or in which such shingles are contained shall be forfeited and the shingles in each bundle which are not merchantable shall be burnt and the residue sold & the monies arising from said sale shall be paid into the hands of the select men for the benefit of the poor of such town where the shingles are so condemned, first deducting therefrom, the charge of culling and surveying. And all white oak butt staves shall be at least five feet in length five inches wide and one inch and a quarter thick on the heart or thinnest edge and every part thereof. And all white oak pipe staves shall be at least four feet and eight inches long four inches broad in the narrowest part and not less than one inch



thick on the heart or thinnest edge. And all white oak hogsheds staves shall be at least forty two inches long and not less than three quarters of an inch thick on the heart or thinnest edge. And all white oak barrel staves for foreign market shall be thirty two inches long and for home use shall be thirty inches long, and all shall be half an inch thick on the heart or thinnest edge. And all white oak hogsheds and barrel staves shall be at least one with another four inches in breadth and none less than three inches in breadth in the narrowest part and those of the breadth last mentioned shall be clear of sap And all red oak hogsheds and barrel staves shall be of the same length, width and thickness with the white oak hogsheds and barrel staves above mentioned. And all staves shall be well and proportionably split and all pine clapboards that shall be exposed to sale shall be made of good sound timber, clear of sap, and all clapboards shall be free from shakes and worm holes and of the following dimensions, to wit, full five eighths of an inch on the back or thickest part five inches wide and four feet six inches long and they shall be strait and well shaved. And all hogsheds hoops that shall be exposed to sale shall be from ten to fourteen feet long and shall be made of white oak or walnut and of good and sufficient substance well shaved, those made of oak shall not be less than one inch broad at the least and those made of walnut shall not be less than three quarters of an inch broad at the least and each bundle shall consist of thirty hoops and all hoops of ten twelve and fourteen feet respectively shall be made up in distinct bundles by themselves and if any hoops are packed of less dimensions than those prescribed by this law or if any bundle shall contain less than thirty hoops such bundle shall be forfeited and sold for the benefit of the poor of the town where it is offered for sale. And all white oak hogsheds heading which shall be offered to sale within this state or exported to a foreign market shall be one inch thick, thirty inches long and not more than five peices to a head. All shooks shall be forty inches long, and not less than two inches and an half wide at the ends and full half an inch thick when dressed.

And be it further enacted That the surveyor of Shingles and clapboards shall be allowed by the buyer three pence per thousand for surveying and telling and before any shingles are sent from the town where they are made or at the place of first sale before their delivery they shall be viewed surveyed and measured by a sworn surveyor and a brand with the letters NH to be provided by each town wherein such surveyor is appointed, shall be sett upon the hoop of the bundle And all shingles offered for sale without being surveyed and marked as aforesaid shall be forfeited and disposed of as before in this act is provided And there shall be two or more suitable persons chosen by the town of Portsmouth at their annual meeting in march to be viewers

and cullers of Staves and hoops who shall be under oath faithfully to discharge their office and they shall be allowed for their time and service as follows, to wit, one shilling & eight pence per thousand for barrel staves, two shillings per thousand for hogshhead staves, two shillings and four pence per thousand for pipe staves two shillings and eight pence per thousand for butt staves as well refuse as merchantable the merchantable to be paid for by the buyer and the refuse by the seller and two shillings per thousand for heading and the culler shall be allowed one farthing for each shook & three shillings per thousand for hoops.

And be it further enacted That from and after the first day of June next all staves that shall be exported from this State beyond Sea shall be first culled and all hoops first viewed and surveyed by one of the officers aforesaid and a certificate given by a culler or surveyor to the master or commander of the ship or vessel on board which they are laden, of the quantity by him so culled or surveyed and the bands with which the bundles of hoops are bound shall be sealed with the brand of the town from whence they are exported and that all shingles and clapboards that shall be exported beyond sea shall likewise be certified by one of the surveyors already required by law to be chosen, to have been by him surveyed viewed and approved and the number or quantity thereof, and any sellers of boards, staves, hoops, shooks, heading, clapboards, or shingles, that shall deliver any of said articles for exportation, before they are culled or surveyed shall forfeit one quarter part of the articles so delivered, and any person purchasing for exportation any of the articles before enumerated and who shall receive them before they are culled or surveyed shall forfeit one quarter part of the article so purchased one half to the informer who shall sue for the same in any court in this state proper to try the same or before any justice of the peace in the county where the said penalty shall become due in case the forfeiture does not exceed forty shillings; the other half to the poor of the town where the offence is committed.

And be it further enacted that from and after the said first day of June next, the master or owner of any vessel having any staves, hoops, shooks, boards, clapboards, shingles, or heading on board for their cargo and which shall be shipped for exportation to a foreign markett after the said first day of June next before such vessel shall be cleared at the naval office shall produce a certificate that such staves hoops, shooks, boards, clapboards, shingles, and heading have been culled or surveyed and shall likewise make oath before the naval officer (who is hereby required and empowered to administer the same) or before any justice of the peace who shall give a certificate of said oath, which shall by the master or owner be transmitted to the naval officer, that the boards, staves, hoops, shooks, clapboards,

shingles and heading on board his Vessel are bona fide, the same certified to have been culled or surveyed, and that he has no other on board, and that he will not take any others on board.

And be it further enacted That from and after the said first day of June next if any person shall presume to ship off any boards staves hoops shooks clapboards shingles or heading unless the same shall have been first culled or surveyed, and marked by a sworn culler or surveyor as by this act required he shall forfeit one quarter part of such articles to be disposed of, one half to the poor of the town, where the offence is committed and the other half to the surveyor or any person or persons who shall sue for the same which he or they are enabled to do by action, bill, plaint, or information in any court proper to try the same.

And be it further enacted That in case any culler or surveyor shall connive at or allow of the breach of this act or shall be guilty of any fraud or deceit in surveying or culling of boards, staves, hoops, shooks, clapboards, shingles or heading he shall forfeit and pay the sum of ten pounds for each offence and in case of his refusal to attend the aforesaid service when he shall be thereto requested he shall forfeit and pay the sum of twenty shillings, the forfeitures and penalties to be recovered and disposed of as aforesaid.

And the standard for the thickness of merchantable plank shall be two inches and when any shall be purchased for particular use of different thickness it shall be admeasured and calculated by that standard.

And be it further enacted by the authority aforesaid, That all acts heretofore made for the admeasurement of boards and for regulating the tale and dimesions of shingles clapboards hoops, shooks, staves and heading be and they are hereby repealed.

This Act not to be in force until the first day of June next

## [CHAPTER 5.]

*State of  
New Hampshire.* }

### AN ACT FOR REGULATING PILOTAGE IN THE PORT OF PISCATAQUA.

[Passed June 22, 1785. Original Acts, vol. 9, p. 113; recorded Acts, vol. 5, p. 102. Laws, 1780 ed., p. 353; Perpetual Laws, 1789 ed., p. 131; Laws, 1792 ed., p. 337. See additional act of June 18, 1805.]

Whereas frequent & heavy Loses have been sustained & Navigation greatly Injured for the want of a well Regulated Pilotage in the harbour aforesaid

Be it Enacted by the Senate & House of Representatives in general Court Convened That the President with advice of Council be and hereby is empowered & requested As soon as may be to appoint a Suitable person as a pilot for the harbour aforesaid and to give the person so Appointed a Branch or Warrant for the due Execution of his office with power of Substitution in certain cases to be therein prescribed and such Deputies as the said Branch pilot shall depute shall be by him reported to the President for his Approbation

And be it further Enacted by the Authority aforesaid that the pilot and his deputies appointed as aforesaid shall before his Entering upon the business of his Office take the following Oath or Affirmation before some Justice of the Peace.

You A B. do swear or affirm (as the Case may be) That you will from time to time truly & Faithfully perform the Duties of a pilot for the harbour of Piscataqua according to your best Skill & Judgment agreeably to the Law of this State So Help you God.

And the said branch pilot & his deputies shall Enter into Bonds with sufficient Sureties to the Treasurer of this State in the Sum of One thousand pounds Each for the due performance of the trust reposed in them & the Branch pilot being commissioned & qualified as aforesaid is hereby Empowered & directed by himself or his deputy to take Charge of any Vessel or Vessels drawing Nine feet of Water or upwards (Coasting & Fishing Vessels Excepted) bound into or out of the port aforesaid & shall pilot such Vessel or Vessels into and out of the port Aforesaid first shewing to the Master or Masters thereof his Branch or Warrant & Acquainting him or them of his fees.

And Be it further Enacted by the Authority aforesaid that the Cruizing Ground of the pilot or his deputy for the port Aforesaid be & hereby is Limited in manner following Viz beginning from the Ragged Neck so called in Rye to the South West of the harbour aforesaid from thence Easterly to the Middle Ground between the Islands of the Shoals & the harbours mouth & as far as the Easternmost of the Sisters so called & the Branch pilot & Each of his deputies shall always keep a suitable Boat in good Repair.

And, Be it further Enacted by the Authority aforesaid that the President with advice of Council be & hereby is empowered & Requested to Determine & Fix the Fees of Pilotage according as the Circumstances of Peace or War may Require & to specify the same in his warrant & also to transmit the same to the Naval Officer for the port Aforementioned & to be by him hung up in his Office for Public Inspection—

Provided Nevertheless and be it Enacted by the Authority aforesaid that any Master or Owner of a Vessel who chuses to hazard the Pilotage of his Own Vessel out of the harbour afore-

said shall be at Liberty so to do. Provided also that in case the said Pilot or either of his deputies shall go on board any Vessell at Sea & which was bound into this harbour that then the said pilot or his deputy shall be Entitled to One half the Fees specified in his warrant in case the Master or Owner declines to employ him or them & on refusal of payment may sue for & Recover the same

Provided also & be it further Enacted by the Authority aforesaid that if any Vessel shall be within the Light House of the Harbour aforesaid before any pilot shall go on board & the Master of such Vessell shall then Decline taking a pilot he shall be Exempt from the Fees of Pilotage in the said Port.

And be it further Enacted by the Authority aforesaid that if any Vessell while under the charge & Direction of the Branch or Warrant pilot or his deputy shall be Lost cast away or run aground through the unskilfulness or Neglect of such branch or Warrant pilot or his deputy then & in that Case such branch or Warrant pilot or his deputy or deputies shall be Liable to pay the Just value of the Vessel & her Cargo or any proportionable Damage which may be sustained thereby to be sued for & Recovered by the Owner or Owners Insurer or Insurers thereof in any Court proper to try the same

And to the Intent that a Suitable Check may be had upon the pilot aforesaid & that he may be Excited to due Vigilance in the Discharge of the Duties Assigned him

Be it Enacted by the Authority aforesaid that the President & Councill be & they are hereby empowred to hear & determine all complaints Exhibited against the said pilot or his Deputies or Either of them for Mal conduct in the premises and at their Discretion to put Out or suspend Any or Either of them and to Appoint others in their Room Laying the Reasons therefor before the General Court at the Next Session after such suspension or Removal—

#### [CHAPTER 6.]

*State of  
New Hampshire.* }

#### AN ACT FOR THE BETTER OBSERVATION AND KEEPING THE LORDS DAY.

[Passed June 23, 1785. Original Acts, vol. 9, p. 114; recorded Acts, vol. 5, p. 111. Laws, 1780 ed., p. 355. Repealed by act of February 2, 1789. Walter Prince, "An Examination of Peter's 'Blue Laws,'" Proc. Am. Hist. Soc., 1898, p. 97.]

Be it enacted by the Senate and house of Representatives in General court convened, That no tradesman, artificer or other person whatsoever shall upon the land or water do or exercise

any labor, business or work of their secular calling, works of necessity and mercy only excepted, nor use any game sport play or recreation on the Lords day or any part thereof, upon pain that every person so offending shall forfeit a sum not exceeding forty shillings nor less than five shillings.

And be it further enacted, That no traveller, drover, horse courser, waggoner, butcher, higler, or any of their servants shall travel on that day or any part thereof except by some adversity they were belated and forced to lodge in the woods wilderness, or highways, the night before. And in such case to travel no further than the next inn or place of shelter on that day upon the penalty aforesaid.

And be it further enacted, that no vintner, innholder or other person, keeping any public houses of entertainment shall entertain or suffer any of the inhabitants of the respective towns, where they dwell, or others not being strangers or lodgers in such houses to abide or remain in the houses yards orchards or fields drinking or idly spending their time on the Lords day, upon the pain and penalty aforesaid, for every person payable by themselves respectively, that shall be found so drinking or abiding in such house, or dependencies thereof as aforesaid; and the like penalty to be paid by the keepers of such houses for every person entertained by them.

And for the better execution of all and every the foregoing orders, every justice of the peace within the county where the offence shall be committed, shall have power and authority to convene before him any person or persons who shall offend in any of the particulars before mentioned, and upon his own view or other conviction of such offence to impose the fine and penalty for the same and to restrain and commit the offender until it be satisfied, or to cause the same to be levied by distress and sale of the offenders goods, returning the overplus if any be. All fines and penalties accruing by this act to be to the benefit and relief of the poor of such town where the offence is committed and delivered into the hands of the selectmen or overseers of the poor for that end.

And all masters and governors of families are hereby required to take effectual care that their children servants and others under their immediate government do not transgress in any of the foregoing particulars.

And all and every sheriff, coroner, tythingman, constable, and selectman are required to inform of all breaches of this act within their precinct, Provided That works of necessity and mercy are excepted in all the cases aforesaid

And be it further enacted, that any justice of the peace in the county where the offence is committed shall be and hereby is authorised to direct his warrant to the sheriff of any county in this State or his deputy for the apprehending and bringing be-

fore him any person or persons charged with the breach of this act and such sheriff or deputy are hereby required to execute the same upon payment or tender of the legal fees.—

And if any person charged with the breach of this act shall be acquitted upon trial he shall recover costs against the complainant. Provided nevertheless that it shall and may be lawful for any justice of the peace on application to grant a licence for any person to travel or do any secular business on said day which shall appear to him to be a work of necessity or mercy and such certificate shall be a bar to any prosecution therefore And every informing officer shall have a right to require of any person apparently offending against this act the cause or necessity of his so doing and if he shall neglect or refuse to assign such reason or reasons as shall appear to the court a sufficient excuse or shew such certificate he shall pay all costs of prosecution, any other reason he shall give on trial notwithstanding.

And any person shall have a right of appeal to the court of general sessions of the peace from any sentence of a justice given against him in pursuance of this act.

And be it further enacted that no person committed to gaol for any breach of this act, shall be there detained more than forty days nor less than five days as shall be expressed in the mittimus.

And be it further enacted—That an act intituled an act for the better observation and keeping the Lords day passed in the late province now state of Newhampshire in the year of our Lord seventeen hundred be and hereby is repealed.

And it is hereby recommended to the ministers of the gospel to read this act publickly in their congregations annually on the Lords day next after the choice of town officers.

## [CHAPTER 7.]

*State of  
New Hampshire.* }

### AN ACT PERMITTING A LOTTERY TO RAISE MONEY FOR THE PURPOSE OF ERECTING A BRIDGE OVER SUGAR RIVER IN CLAREMONT

[Passed June 23, 1785. Original Acts, vol. 9, p. 115; recorded Acts, vol. 5, p. 115.]

Whereas sundry persons inhabitants of the town of Claremont in the County of Cheshire have petitioned for the privilege of a Lottery for the purpose of erecting a bridge over Sugar river in said Claremont on the main country road

Be it enacted by the Senate and House of Representatives in General Court convened, That the persons hereinafter named be

and hereby are authorised and permitted to set up and carry on a public Lottery for the purpose aforesaid, in so many classes or drafts as they shall judge proper and thereby to raise a sum not exceeding three hundred pounds, to be free from charge and expence to the state. And Samuel Ashley jun<sup>r</sup> Esq<sup>r</sup> Sandford Kingsbury Esq<sup>r</sup> & M<sup>r</sup> Francis Batey or the major part of them are appointed managers of said lottery, who shall be under oath to be administered by any justice of the peace, for the faithful discharge of their trust, and shall duly pay all prize tickets according to their tenor and scheme, and shall refund any sum or sums of money which shall be paid for tickets in any class of said lottery, in case that such class should not be drawn and finished within the space of Two years from the passing of this act. And the said Managers are hereby authorised and directed to pay the money which they shall so raise to the selectmen of said Claremont for the time being, to be appropriated to the design aforesaid And the said Selectmen shall allow and pay said managers their reasonable demand for their time and charge in transacting said business.

#### [CHAPTER 8.]

*State of  
New Hampshire.* }

#### AN ACT FOR THE REGULATION OF NAVIGATION AND COMMERCE.

[Passed June 23, 1785. Original Acts, vol. 9, p. 116; recorded Acts, vol. 5, p. 107. Laws, 1780 ed., p. 358. Repealed June 20, 1792.]

Whereas it has become expedient and necessary for this State to make some commercial regulations for the encouragement of their own trade:

Be it therefore enacted by the Senate and House of Representatives in General Court convened, That from and after the first day of August next and during the continuance of this act there shall not be exported from any port, harbor creek, bay or inlet, river or shore or any other place within this state, any goods wares or merchandize the growth, manufacture or produce of this or any of the United States, in any vessel or craft of any kind, belonging (either in whole or in part) to or being the property of any of the subjects of the King of Great Britain.

And be it further enacted, That from and after the said first day of August next, if any ship vessel or craft of any kind as aforesaid be found in any port harbor creek or any other place within this State taking on board or having taken on board while in this state any of the articles aforesaid contrary to the true intent and meaning of this act every such ship vessel or craft together with their lading shall be forfeited and shall and



may be seized by any naval officer, or by any other citizen or citizens of the united States, and the same may be sued for and recovered in any court of Record within this state proper to try the same, and after deducting the charges of prosecuting the same from the gross produce, thereof the remainder shall be given one moiety to the person or persons who have made the seizure, and prosecuted the same, & the other moiety to be paid into the treasury of this state for the use of the same.

And be it further enacted That from and after the first day of August next there shall not be taken out or landed from on board any ship or vessel or craft not wholly belonging to or the property of the citizens of the United States any goods wares or merchandize in any port harbor or creek or any other place within this state except the port or harbor of Piscataqua and if any ship vessel or craft not wholly owned as aforesaid shall be found in any port harbor or creek or any other place within this state except the port of Piscataqua aforesaid discharging her lading or any part thereof or having discharged her lading or any part thereof otherwise than above mentioned the said ship vessel or craft together with her lading shall be seized and forfeited to be recovered and appropriated as aforesaid.

And be it further enacted That from and after the said first day of August next there shall be paid by the master, owner or consignee of every ship vessel or craft owned either in part or in whole by any foreigner at the time of entring said ship vessel or craft into the hands of the naval officer for the port of Piscataqua aforesaid for the use and benefit of this state a duty of five shillings per ton for each and every ton said vessel may measure by carpenters measurement and a further duty of two shillings and eight pence per ton as light money in addition to what by law they are now subject to pay for the use and service of the light house and shall likewise pay unto the naval officer double the duty on the goods imported in said vessel as is or may be paid at that time upon the like goods imported in a vessel belonging wholly to the citizens of the United States, and a further duty of sixpence upon every bushel of salt imported in any ship vessel or craft owned either in whole or in part by any of the subjects of the King of Great Britain and previous to their breaking bulk they shall give bond to the said Naval Officer for the payment of the same.

And whereas some persons for the sake of enjoying more extensive priviledges in commerce have had double setts of papers for their vessels in order that they might appear the property of one nation or another as might best answer their purposes: For the prevention of which impositions, Be it therefore enacted That from and after the first day of August next any vessel which may appear to have two setts of papers by the one of

which she may appear to be the property of the citizens of the United States and by the other the property of foreigners or if it shall be made to appear that any vessel that is cleared at the Naval office in this state as the property of the citizens of these States shall afterwards enter and discharge her cargo taken in and cleared as aforesaid in any foreign port as the property of a foreigner said vessel upon her return into this state shall be forfeited and may be seized by the Naval officer of this state or by any other person or persons who may prosecute for the same to be recovered, and the money arising from such forfeiture to be applied as aforesaid. And the master of such vessel so offending shall forfeit and pay for the use of this State the sum of one hundred pounds to be recovered as aforesaid.

And be it further enacted That the Naval Officer in this state previous to his admitting any vessel to an entry shall administer the following oath or affirmation to the master or one of the principal owners, (provided said vessel shall appear to be the property of the citizens of these states) and certify it on the back of the Register (if not done before) in the following words. Port of Piscataqua. . . . . Then personally appeared before me. . . . . one of the principal owners (or the commander as the case may be) of the. . . . . and made solemn oath (or affirmation) that the said. . . . . is the sole property of the citizens of the United States and that no foreigner directly or indirectly hath any part or share therein.

And be it further enacted That if the Naval Officer shall presume to enter or clear any vessel contrary to the true intent and meaning of this act or if the said Naval Officer shall neglect any of the duties required of him by this act he shall forfeit and pay the sum of three hundred pounds one moiety thereof for the use of this state and the other moiety thereof for the use of the person or persons who may prosecute for the same to be sued for and recovered in any court of record in this state proper to try the same. And furthermore shall be rendered incapable of holding said office. Provided nevertheless That nothing in this act shall be construed to prevent any ship or vessel built in this state and owned either in whole or in part by any of the subjects of the King of Great Britain from taking a cargo upon her first departure from this State upon the same terms and no further restrictions than if said vessel were owned by the citizens of these states.

And be it further enacted That this act shall continue in force until the United States in Congress assembled shall be vested with competent power for the purpose and shall have passed an ordinance for the regulation of the Commerce of these states and until the period shall arrive when such ordinance is to take effect and no longer.

Provided, The aforesaid clause of this act respecting double

papers shall not extend to any vessel belonging to any citizen of the United States now absent from this State until their return from their present voyage and making application to be cleared out for another voyage.

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE UNITED STATES, IN CONGRESS ASSEMBLED,  
WITH FULL POWER TO REGULATE TRADE, AND ENTER INTO  
TREATIES OF COMMERCE—

[Passed June 23, 1785. Original Acts, vol. 9, p. 117; recorded Acts, vol. 5, p. 105. Laws, 1780 ed., p. 361. See acts of November, 5, 1784, June 19, 1786, and December 28, 1786. Repealed by acts of December 28, 1786 and June 20, 1792.]

Whereas Treaties of Commerce, and a due regulation of Trade, through the United States of America, are become, absolutely necessary

Therefore

Be it enacted by the Senate and House of Representatives, in General Court convened That the United States in Congress assembled, be and they hereby are, vested, with full power and authority, on the part, and in behalf of This State, to make and enter into such general Ordinances, and Treaties, for the due regulation of the Trade and Commerce of the United States, as they may Judge best calculated, to promote, the weal and prosperity thereof

An be it further enacted, That all the fees, profits and emoluments, arising from such regulations of Trade, and Treaties of Commerce, shall be appropriated to the sole use of discharging the public debt—

Provided nevertheless, That the power and authority, hereby granted unto and vested in, the United States in Congress assembled, be and hereby are suspended, until each, and every State in the Union shall have vested the United States in Congress assembled, with power and authority sufficient for the purposes aforementioned

And be it further enacted, That this Act shall continue & be in force, for the term of fifteen Years from and after the passing hereof, and no longer—

## [CHAPTER 10.]

*State of  
New Hampshire.* }

## AN ACT TO REGULATE FLAXSEED POTASH AND PEARL ASH FOR EXPORTATION.

[Passed June 23, 1785. Original Acts, vol. 9, p. 118; recorded Acts, vol. 5, p. 116. Laws, 1780 ed., p. 362; Perpetual Laws, 1789 ed., p. 193; Laws, 1792 ed., p. 326. See additional acts of June 27, 1787 and September 27, 1787. Repealed June 18, 1805.]

Be it enacted by the Senate and House of Representatives in General Court Convened, that no flax-seed shall be shipped or exported out of this State, but such as shall have been surveyed and found to be well cleansed and in good order, and in casks, each cask containing seven bushels and one peck, or in casks containing one half the said quantity each.

And be it further enacted, that the President, by and with the advice and consent of the council, be, and hereby is empowered, to appoint, in such Sea Port Towns within this State as there shall be occasion, one or more skillfull and disinterested person or persons, to be Surveyors, for the surveying and proving flax seed, who shall be sworn to the due and impartial execution of their trust: And their duty shall be to inspect and survey all flax-seed that shall be intended to be laden on board of any vessel for foreign exportation; and every such Surveyor is hereby authorised to open the casks containing the said commodity, intended to be exported as aforesaid, and if need be, measure and shift the same into other casks, so as thoroughly to examine the whole, and see that it be clear from mixture of wild or other seed, or dirt, and of the measure aforesaid. And every cask containing the said quantity, which by such survey and examination shall, according to the Surveyor's best judgment, appear to be cleansed as aforesaid, he shall mark or imprint with a burning iron, the following mark or Letters, A.P. with the name of the town where it shall be thus approved, the name of the said Surveyor at large, and the Letter S. at the end thereof, denoting that the same has been surveyed and approved.

And be it further enacted by the Authority aforesaid, that no pot-ash or pearl-ash shall be shipped or exported out of this State, but such as shall have been assayed and found to be of sufficient strength and purity, and to have those qualities in such degree of perfection as shall be ascertained and fixed by the President, with the advice and consent of the Council, as the standard of such pot-ash and pearl-ash as shall be deemed merchantable, and fit for exportation.

And be it further enacted, that the President and Council be, and they are hereby empowered, to appoint, in such Sea Port

Towns within this State as there shall be occasion, one or more skillful and disinterested person or persons, to be assay-masters, for the proving and assaying pot-ash and pearl-ash, who shall be sworn to the due and impartial execution of their trust; and their duty shall be to inspect and assay all pot-ash and pearl-ash, that shall be brought to any such Sea Port Town to be shipped; and every such Assay Master is hereby authorized to open the casks or vessels containing those commodities, and to take out so much thereof as may discover the quality of the whole; and every cask or other vessel of pot-ash or pearl-ash, which by such assay shall be found to be good and merchantable, according to the rule or standard that shall be established as aforesaid, he shall mark or imprint with a burning iron, the following mark or letters AS.D. with the name of the town where the same shall have been thus assayed, and the Assayer's name at large, and the letter A. at the end thereof, denoting that the same has been assayed and approved.

And be it further enacted, that if the owner of any flax-seed, pot-ash or pearl-ash, or other person employed by him, shall presume to lade, or put on board any vessel, bound out of this State, any flax-seed, pot-ash and pearl-ash, other than such as shall have been approved, by a Surveyor or Assay-Master, respectively, or shall be contained in any cask, or other vessel, that shall not have their marks, stamps or brands upon it; or if any Master of a Ship or other vessel, or other officer or mariner, shall receive on board any such, the offender or offenders shall incur the penalty of five pounds for each cask or other vessel so shipped, to be sued for and recovered in any Court of record within this State, proper to try the Same, and all such flax-seed, pot-ash and pearl-Ash (laded or received on board as aforesaid) shall be forfeited. And it shall be lawful for any Justice of the Peace, upon information given of any flax-seed, pot-ash or pearl-ash, put on board any such Ship or other vessel, as aforesaid, not marked as aforesaid, to issue his warrant, directed to the Sheriff or his Deputy, or Constable, requiring them respectively to make seizure of any such flax-seed, pot-ash, or pearl-ash, shipped and not marked as aforesaid, and to secure the same in order for trial, and such Officers are hereby respectively empowered and required to execute the same.

And be it further enacted, that if after any cask or other vessel, containing flax-seed, or pot-ash, or pearl-ash, shall have been approved and stamped with the surveyor's or assay-master's marks, stamps or brands, any cooper or other person shall presume to shift the contents of such cask or other vessel, and to put therein any flax-seed, pot-ash or pearl-ash, that has not been duly surveyed or assayed, and approved as aforesaid, such cooper or other person offending therein, shall forfeit and pay

the sum of ten pounds for every cask so shifted, to be recovered in manner as aforesaid.

And be it further enacted, That in case any surveyor or assay-master, appointed and sworn as aforesaid, shall be guilty of any neglect or fraud in assaying or surveying any flax-seed, pot-ash or pearl-ash, contrary to the true intent and meaning of this act, or shall mark with their respective brands, stamps or marks, any casks containing flax-seed, or pot-ash, or pearl-ash, which they had not actually and thoroughly surveyed or assayed, and which may be intended for exportation out of this State, he or they shall forfeit and pay the Sum of Ten Pounds for every such neglect, or for every cask falsely marked, to be recovered as aforesaid.

Be it further enacted by the Authority aforesaid, that each cask, before any pot-ash, or pearl-ash are put therein, shall be weighed by the manufacturer of such pot-ash or pearl-ash, who shall, with a marking iron, mark on one of the heads thereof, the full weight of the cask, and the initial letters of his name; and in case he shall falsely mark the same, such manufacturer, upon conviction thereof, shall forfeit and pay the sum of forty shillings for each cask so falsely marked.

And be it further enacted, that the respective Surveyors and assay-masters shall be paid for every cask of flax-seed, pot-ash or pearl-ash, that they shall survey or assay, the sum of Nine pence provided the number does not exceed Six cask and Six pence for each cask exceeding that number, exclusive of cooperage, to be paid by the Shipper.

#### VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT THIS SESSION:

*State of  
New Hampshire.* }

In the House of Representatives, June 6, 1785.

Voted that Gen<sup>l</sup> Sullivan, Col<sup>o</sup> Dow, M<sup>r</sup> Prentice, Col<sup>o</sup> Waldron & Col<sup>o</sup> Bartlett with such of the Honb<sup>l</sup> Senate as they shall join be a Committee to revise the Militia Law of this State and report such alteration & amendments as they shall judge necessary.

Senate concurred June 9, 1785.

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*State of  
New Hampshire.* }

In Senate, June 22, 1785.

Resolved, That all notes which shall be issued by the Treasurer, from and after the 31<sup>st</sup> day of July next, shall bear that date; and that all notes which shall be issued in favor of any invalid pensioner shall be in the form prescribed by the act passed the 24<sup>th</sup> day of February last, entitled An Act for paying the Interest and part of the principal

of public Securities, &c. And the Treasurer is hereby further directed, that on his receiving any Order from the President, for depreciation of wages due to officers widows, he shall issue a certificate for twenty-seven and three Quarters, per Centum, of each such order, and a note for the remainder also a Certificate for the Interest as usual.

House of Representatives concurred June 22, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 23, 1785.

Whereas the Act now in force laying an Impost on certain Goods wares & merchandizes therein mentioned imported into this State may obstruct a free commerce between this State and the commonwealth of Massachusetts—Therefore Resolved that the Operation of said Act shall be suspended so far as it Respects any Goods wares & merchandizes belonging to any citizens of the said Common Wealth of Massachusetts that may be imported into this State. Provided the Legislature of said Common Wealth in their present Session repeal their Impost Act so far as it respects the citizens of this State.

Senate concurred June 23, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 24, 1785.

Voted that of the Members elected to represent this State in Congress not more than two take a Seat in Congress at the Same time and that the President with advice of Council be impowered to draw an order on the Treasurer for any Sum not exceeding one hundred and twenty pounds to each delegate that shall go forward to Congress, or for either of the Delegates now at Congress, if there should be occasion for the Same they being accountable therefor

Senate concurred June 24, 1785.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 24, 1785.

Resolved that the vote or Resolve of the General Court passed the 22<sup>d</sup> of February last respecting the mode of discipline for the Militia of this State be and hereby is repealed—And that the regulations contained in a Book Intitled “Regulations for the order & discipline of the Troops of New Hampshire by John Sullivan Major General” be and hereby are established as the Rules and orders for regulating and disciplining the Militia within this State and that Maj<sup>r</sup> General John Sullivan have and receive out of the Treasury forty five pounds to be accounted for, and that the President be impowered to grant an order accordingly—and that twelve hundred printed copies of said Book be delivered to the Captain General to be by him distributed among the Officers as he may think proper—

Senate concurred June 24, 1785.

[*Second Session, Held at Concord, October 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31; November 1, 2, 3, 4, 5, 7, 8, 9, 10, 1785.*]

## [CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT FOR ADJOURNING THE INFERIOR COURT IN THE COUNTY OF ROCKINGHAM AND COURT OF GENERAL SESSIONS OF THE PEACE.

[Passed October 25, 1785. Original Acts, vol. 9, p. 119; recorded Acts, vol. 5, p. 121.]

Whereas the Inferior Court of Common pleas appointed by Law to be holden at Exeter within and for the county of Rockingham on the first Tuesday of November next: and the Court of General Sessions of the peace appointed to be holden at Exeter aforesaid on the Second Tuesday of November Next cannot then sit, without the Members of the General Court who have business in those Courts suffering by their non attendance there: And the public good requiring their attendance in the General Court at the same time.—

Therefore be it Enacted by the Senate and house of Representatives that the said Inferior Court be and hereby is adjourned to the third Tuesday of December next, and the said Court of General Sessions to the fourth Tuesday of December next. And all writs & processes which were returnable to said Courts may be returned to sustained & tryed by the said Courts respectively on the Days to which they are adjourned in the same manner as they would have been on the Days upon which said Courts were by Law to have been holden in case no adjournment had taken place

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER CAPT. CARR LEAVITT TO COLLECT A CERTAIN TAX IN EFFINGHAM.

[Passed October 26, 1785. Original Acts, vol. 9, p. 120; recorded Acts, vol. 5, p. 122.]

Whereas the Selectmen of Effingham in the county of Strafford and State aforesaid, Petitioned, the General Court, setting forth, that, John Leavitt late of said Effingham Esq<sup>r</sup>. dec<sup>d</sup>. Intestate was chosen Constable for said Effingham, for the year



AD 1784, had a Warrant with a list of State, Town & War-Taxes committed to him for the collecting the same, which he partly did, before his decease: That it would be convenient to have Carr Leavitt of said Effingham Gent. administrator of the estate of y<sup>e</sup> deceased, specially appointed to collect the Remainder of said Taxes—Wherefore they prayed that the said Carr Leavitt might be so appointed by the Legislature of s<sup>d</sup> State. Which petition being read and considered, and the prayer thereof appearing reasonable, Therefore Be it Enacted by the Senate & House of Representatives in General Court convened, that, the said Carr Leavitt be and hereby is appointed Collector, of the taxes afores<sup>d</sup> uncollected by the said John Leavitt at the time of his decease, and that the said Carr, for the purpose aforesaid be and is hereby invested with the same power & authority as other Collectors of Taxes within their respective Towns, are vested with; and that, the said Carr Leavitt collect and pay the remainder of said Taxes according to the directions given in said Warrant, and in case of failure thereof, the said Carr Leavitt shall be liable to an Extent or Warrant for his delinquency therein, in the same manner as the law directs, concerning other delinquent collectors of Taxes.

## [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE LEONARD WHITING ESQ<sup>R</sup> TO HIS LAW

[Passed October 28, 1785. Original Acts, vol. 9, p. 121; recorded Acts, vol. 5, p. 123.]

Whereas the said Whiting hath petitioned this Court, praying that he may be restored to his Law in a certain Action that he commenced at the Inferior Court of Common pleas held at Amherst, in, and for the County of Hillsborough on the first Tuesday of January AD 1777, against Samuel Cummings Esq<sup>r</sup> then late of Hollis in said County of Hillsborough, and Absentee, and since deceased; which Action was afterwards dismissed, pursuant to Law of this State, passed December twenty sixth AD 1778 which made void all Attachments then made, or that should afterward be made on the Estate of any Absentee from this, or from the other United States residing with the Enemies thereof—

Be it therefore enacted by the Senate and House of Representatives, in General Court convened; and by the Authority of the same; that the said Leonard Whiting be, and he hereby is restored to his Law in his said Action against the said Cummings in as full and ample a manner as if the aforesaid Law of

this State had never been passed, and that he have Liberty to reenter the same at the next Inferior Court of Common pleas to be holden at Amherst within and for said County of Hillsborough on the second Tuesday of December next, against the Trustee of said Estate, appointed in behalf of the State, and to prosecute the same to final Judgment and Execution; which Trustee is hereby empowered to defend said Action, in order that a Tryal may be had upon the merits of it; and in Case the said Whiting should finally recover; the Court shall award Judgment and Execution thereon against the Estate which belonged to the said Cummings at the time of said Attachment, in the hands of said Trustee, which Execution so obtained by said Whiting shall be levied by him on the real Estate so attached by him, and being duly levied, returned and recorded, shall make to him, his Heirs, and Assigns a good and valid Transfer of all the right, Title, Interest and demand of the said Samuel Cummings at the Time of his decease in, & unto the Estate upon which the s<sup>d</sup> Execution shall be so levied—The Confiscation of said Estate or decease of said Cummings, notwithstanding—

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER JONATHAN TILTON OF KENSINGTON TO ENTER A COMPLAINT AT THE NEXT SUPERIOR COURT OF JUDICATURE TO BE HOLDEN AT PORTSMOUTH WITHIN & FOR THE COUNTY OF ROCKINGHAM ON THE FOURTH TUESDAY OF APRIL NEXT—

[Passed November 1, 1785. Original Acts, vol. 9, p. 122; recorded Acts, vol. 5, p. 125.]

Whereas William Parker Esqr of Exeter has Petitioned this Court, setting forth, That at the Inferior Court of Common Pleas holden at Portsmouth within & for the County of Rockingham on the first Tuesday of June last, he prosecuted a suit for one Jonathan Tilton of Kensington in said County, against one Jonathan Greeley of Kingston in said County, upon a note of hand; when & where he was defaulted—& Judgment was rendered in favor of said Tilton for Sixty one pounds fifteen shillings damage & costs—from which Judgment the said Greeley by his Attorney appealed to the next Superior Court of Judicature to be holden at Exeter in and & for said County—but never prosecuted his said Appeal—That the Petitioner having accidentally lost the copy of the Judgment of the Inferior Court out of its proper file—forgot and omitted to enter a Complaint in behalf of said Tilton at said Superior Court—whereby un-

less aided by this Court, he will loose the benefit of said Judgment—and praying liberty to enter the same, at the next Superior Court of Judicature to be holden at Portsmouth on the fourth Tuesday of April next—for Affirmation of the former Judgment—which appearing Reasonable—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened—That the said Jonathan Tilton have liberty to enter said Complaint at the next Superior Court of Judicature to be holden at Portsmouth in said County on the fourth Tuesday of April next—and that the Justices of said Court are hereby empowered to enter up Judgment on the same, as fully as they might have done, had the said complaint been entered in proper season—and that Affirmation being obtained upon said Judgment, the Creditor shall avail himself of any Attachment made upon the original process as fully as tho' said Complaint had been entered at the Court & which the same was appealed—Any Law, Usage or Custom to the contrary notwithstanding—

#### [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO ANNUL & MAKE VOID TWO JUDGMENTS OF COURT OBTAINED BY MARGARET FROST AGAINST THOMAS PINKHAM.

[Passed November 2, 1785. Original Acts, vol. 9, p. 123; recorded Acts, vol. 5, p. 127.]

Whereas Thomas Pinkham of Durham in the county of Strafford executor of the testament of Abijah Pinkham late of Barrington in said county deceased hath petitioned the general court setting forth that Margaret Frost of New Castle in the county of Rockingham widow had unjustly unfairly and surreptitiously obtained two judgments of the inferiour court of common pleas held at Portsmouth for said county of Rockingham on the first tuesday of May Anno Domini 1784, against him the said Thomas in his said capacity: wherefore He the said Thomas prayed that the said two judgments might be annulled to the intent that he might have an oportunity to contest the said demand in law. And the said parties having been fully heard thereon and the prayer of said petition appearing reasonable & just

Be it therefore enacted by the Senate and House of Representatives in general court convened that the said two judgments obtained by the said Margaret against the said Thomas in his capacity aforesaid be and hereby are reversed annulled & made void: And that the said Margaret if she shall see cause may commence her actions anew.

## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH A CERTAIN JUDGMENT OF THE QUARTER SESSIONS OF THE PEACE FOR THE COUNTY OF HILLSBOROUGH IN FAVOR OF JOHN SMITH AGAINST THE SELECTMEN OF PETERBOROUGH.—

[Passed November 3, 1785. Original Acts, vol. 9, p. 124; recorded Acts, vol. 5, p. 131.]

Whereas John Smith of Peterborough in the County of Hillsborough and State afores<sup>d</sup> Yeoman, petitioned, this Court, setting forth, that he petitioned the Quarter Sessions of the Peace held at Amherst on the first Thursday next following the first Tuesday of July A D 1779 alledging, that, by order of the Selectmen of Peterborough aforesaid, three roads had been laid out and opened thro his land in said Peterborough, to wit, one road of forty eight rods in Length, one of Sixty rods in Length, one of ninety rods in length and each road of the width of two rods and an half and that by reason thereof, the said Smith was greatly injured, and upon his application to the Selectmen of said Town for satisfaction, they refused to give him any recompense, for the same roads. Wherefore he then prayed said Court to consider his case and make such order thereupon as to law and justice appertained: That at the same term it was ordered by the Court, the Selectmen of Peterborough be notified to appear at the next term & shew cause, why the damages should not be granted agreeably to the tenor of said Petition, after which the Case was continued: at the next term the Selectmen being duly notified, the Court made order that a Committee of three viz. Jacob Abbott, Timothy Farrar and Francis Blood Esq<sup>rs</sup> be appointed to go upon the premises and view the same, and make report with regard to said Roads and what Damages said Smith had sustained by the same being laid out thro' his land in manner as set forth in his petition, and that said report should be made to the Court as soon as might be—at which term the case was further continued—at the next term it was ordered by the Court that the proceedings should be staid till the next term—at the next term the case was further continued—afterward at the same Court holden at Amherst the first Thursday next following the first Tuesday of April A D 1782, the said Committee reported that the Damages, which ought to be awarded to the said Smith amounted to fifty Eight pounds Twelve shillings lawful money, whereupon it was considered by the Court that the said Smith should recover Fifty Eight pounds Twelve shill-

ings Damage and cost of court taxed at five pounds Seven shillings and that Execution issue therefor. That accordingly on the 24<sup>th</sup> day of May A D 1782 Execution issued; in satisfaction whereof a note was given by the Selectmen of said Peterborough which note had been since sued and final judgment rendered thereon. Since all which the Inhabitants of said Peterborough have brought a writ of Certiorari to the Superior Court and removed there, the Proceedings of the said Quarter Sessions, and because the Clerk of the Sessions of the Peace omitted to enter the regular continuances at that Court, have caused the Judgment of the Quarter Sessions to be quashed and have moved the said Superior Court to order restitution of the Damages awarded the said Smith for the injury done him by the said Roads—That, as the said Smith after wading thro' two tedious lawsuits must be entirely deprived of the fruits of those Suits and fined in heavy Costs for the pure omission of the Clerk of said Sessions, unless the legislature should interpose in his behalf and establish the Judgment of the said Quarter Sessions, Wherefore the said Smith prayed the Judgment of said Court of Quarter Sessions of the peace might be established. The prayer of which petition, after a full and fair hearing, appearing reasonable; Therefore, Be it Enacted by the Senate and House of Representative in General Court convened, that, the Judgment of said Court of Quarter Sessions of the Peace, so rendered in favor of said Smith against the Selectmen of Peterborough aforesaid in satisfaction of the damage done him by said roads, be and hereby is confirmed & established and shall be good and valid to all intents & purposes in Law notwithstanding any defect or error in the proceedings of the said Court of Quarter Sessions of the peace or the quashment of the judgment of the said Court of Quarter Sessions by the Superior Court aforesaid, in manner aforementioned.

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT FOR REPEALING AN ACT OF THIS STATE INTITULED AN ACT TO MAKE VOID ALL ATTACHMENTS WHICH HAVE BEEN OR HEREAFTER SHALL BE LAID, OR MADE ON THE ESTATES OF PERSONS WHO HAVE LEFT THIS STATE, OR ANY OF THE UNITED STATES; AND GONE OVER TO THE ENEMIES OF THE SAID STATES, SINCE THE COMMENCEMENT OF HOSTILITIES BY GREAT BRITAIN OR ON THE ESTATES OF ANY INHABITANT, OR SUBJECT OF GREAT BRITAIN.

[Passed November 3, 1785. Original Acts, vol. 9, p. 125; recorded Acts, vol. 5, p. 134. Laws, 1780 ed., p. 366. The act referred to is dated December 26, 1778.]

Whereas the before recited Act, if continued in force will be very injurious to the good people of this State and the reasons for passing the same having ceased.

Therefore be it Enacted by the senate & House of Representatives in general Court convened That the said Act and every part and Clause thereof be and hereby are repealed.

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL TOWN-MEETING IN THE TOWN OF HILLSBOROUGH—

[Passed November 3, 1785. Original Acts, vol. 9, p. 126; recorded Acts, vol. 5, p. 145.]

Whereas the Select-men and other Inhabitants of the Town of Hillsborough in the County of Hillsborough have petitioned this Court, praying that the Time of holding their annual Town-meetings may be altered from the last Tuesday, to the first Monday of March, for Reasons set forth in said petition, which, appearing Just, & the prayer reasonable

Be it Therefore enacted, by the Senate and house of Representatives in General Court convened; That the time of holding said Town-meeting be, and hereby is altered, and that hereafter the same shall be held on the first monday in March annually in said Town of Hillsborough, any former Law or Custom to the contrary notwithstanding—

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF AN ACT PASSED THE GENERAL COURT OF THIS STATE THE TWENTY SECOND OF FEBRUARY LAST, ENTITLED, "AN ACT TO ENABLE THE SELECT MEN OF WASHINGTON TO TAX CERTAIN LANDS IN SAID TOWN, FOR PURPOSES THEREIN MENTIONED."—

[Passed November 3, 1785. Original Acts, vol. 9, p. 127; recorded Acts, vol. 5, p. 128. See act of February 22, 1785.]

Whereas the said Act authorized and empowered the Selectmen of Washington to tax all the Lands in said Town, as well those belonging to Non-Residents, as Others, at the rate of one penny p<sup>r</sup> Acre, for the Term of three years; said Tax to be Appropriated, to the purpose therein mentioned: But as in the Act aforesaid, the time in which the said tax of one penny p<sup>r</sup> Acre was to arise, was indefinite, and the way and manner of assessing the same was not pointed out.—

Be it therefore enacted by the Senate and House of Representatives in General Court convened that the Select-men of said Washington be, & they are hereby authorized and empowered to tax all the Lands in said Town, as well those of Non-Residents as others, at the Rate of one penny P<sup>r</sup> Acre, annually for the Term of three Years and to assess and collect the said Tax in the same Manner as, the State Taxes of other Residents and Non-Residents of said Town are assessed and collected—Provided nevertheless that this Act shall not extend to Lands owned by & in possession of the Original Grantors of said Town, as is provided in the former Act—

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT FOR ESTABLISHING A FORMER TOWN MEETING HELD IN CARDIGAN

[Passed November 4, 1785. Original Acts, vol. 9, p. 128; recorded Acts, vol. 5, p. 136.]

Whereas the selectmen of Cardigan have petitioned the General Court, setting forth that Caleb Clark was appointed to open a town meeting in said Cardigan; but neglected it till after the time limited was expired—then at the request of John Parkhurst appointed a meeting to be held on the twenty seventh of

Decem<sup>r</sup> one thousand seven hundred and eighty four and accordingly the inhabitants met; and proceeded to chuse their officers and the Selectmen thereupon made their rates—Since which the inhabitants refuse to pay their taxes because they say, said Clark had no authority to open said meeting. Wherefore the petitioners pray that the said meeting may be established. Which prayer appearing reasonable—

Be it enacted by the Senate and House of Representatives in General Court convened That the town meeting held at Cardigan on the twenty seventh of Decem<sup>r</sup> one thousand seven hundred and eighty four be, and it is hereby established and all the proceedings therein made legal and valid as fully as if said meeting had been Seasonably held—

[CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT IMPOWERING THE SELECT-MEN OF HANCOCK TO ASSESS THE LANDS IN S<sup>D</sup> HANCOCK FOR THE PURPOSE OF BUILDING A MEETING-HOUSE IN S<sup>D</sup> HANCOCK.

[Passed November 4, 1785. Original Acts, vol. 9, p. 129; recorded Acts, vol. 5, p. 137.]

Whereas a Petition has been presented to the General Court in behalf of the Inhabitants of s<sup>d</sup> Hancock in the County of Hillsborough, and State afores<sup>d</sup> requesting that a tax may be laid on all the Lands in s<sup>d</sup> Hancock for the sole purpose of building a Meeting House, in s<sup>d</sup> Town of Hancock for Reasons mentioned in s<sup>d</sup> Petition, and publick Notice being given to all persons concern'd to make Objections if any they had to the contrary, and the s<sup>d</sup> Petitioners being heard thereon, and the Prayer thereof appearing reasonable and just—

Be it therefore enacted by the Senate and House of Representatives in General Court conven'd that the Select-Men for the Town of Hancock afores<sup>d</sup> be empower'd and they are Hereby empower'd, to assess the Land in s<sup>d</sup> Hancock at the Rate of one penny for each Acre of Land in s<sup>d</sup> Hancock, and the Collector or Collectors of s<sup>d</sup> Hancock be empowered to levy and collect the same and to pay it to the Select-Men of s<sup>d</sup> Hancock or their Successors for the purpose afores<sup>d</sup>; and for no other purpose whatsoever, and s<sup>d</sup> Tax shall be made in one intire List by itself, and not blended with any other Tax whatsoever, and shall express the Name of the Owner of the Land so taxed, if known, with the Number of Acres, and same Description of the Lot, and where the Owner is not known, the Lot and Number of Acres shall be described, with the Name of the original Owner thereof, and the



same shall be collected, and paid, in the same Manner as is prescribed for collecting publick Taxes of Lands of Nonresidents by the Laws now in force in s<sup>d</sup> State, and the same Tax of one Penny 7<sup>d</sup> Acre as afores<sup>d</sup>, shall be continued for the Space of three Years and no longer.

[CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT IMPOWERING THE SELECT-MEN OF DEERING TO ASSESS THE LANDS IN s<sup>d</sup> DEERING FOR THE PURPOSE OF BUILDING A MEETING HOUSE IN s<sup>d</sup> TOWN—

[Passed November 4, 1785. Original Acts, vol. 9, p. 130; recorded Acts, vol. 5, p. 129.]

Whereas A Petition has been perfered to the General Court in behalf of the Inhabitants of s<sup>d</sup> Deering in the County of Hillsborough, requesting that a Tax may be laid on all the Lands in s<sup>d</sup> Deering, for the sole purpose of building a Meeting-House in s<sup>d</sup> Town, for Reasons mentioned in s<sup>d</sup> Petition, and publick Notice being given to all Persons concern'd, to make Objections if any they had, to the contrary; and the s<sup>d</sup> Petitioners being hear'd thereon and the Prayer thereof appearing reasonable and just—

Be it therefore enacted by the Senate, and House of Representatives in General Court conven'd, that the Select-Men for the Town of Deering afores<sup>d</sup> be empower'd, and they are hereby empower'd, to assess the Lands in s<sup>d</sup> Deering, at the Rate of one penney for each Acre of Land in s<sup>d</sup> Town, and the Collector or Collectors of s<sup>d</sup> Deering, are empower'd to levy, and collect, the same, and to pay it to the Select-Men of s<sup>d</sup> Deering, or their Successors, for the Purpose afores<sup>d</sup>, and for no other Purpose whatsoever; And the s<sup>d</sup> Tax shall be made in one intire List by itself, and not blended with any other Tax Whatsoever, and shall express the Name of the Owner of the Lands so taxed if known, with the Number of Acres, and some brief Description of the Lot, and where the Owner is not known, the Lot and Number of Acres shall be described, with the Name of the Original Owner thereof, and the same shall be collected, and paid, in the Manner as is prescribed for collecting publick Taxes of Lands of Non residents by the Law now in force in this State, and the same Tax of one Penny 7<sup>d</sup> Acre as afores<sup>d</sup> shall be continued for the Space of three Years, & no longer.

Provided nevertheless that nothing shall be construed in this Act to extend to the Land of those known by the Name of Quakers, living in s<sup>d</sup> Town of Deering, any Law of the contrary notwithstanding.

## [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT TO REVOKE A LETTER OF GAURDIANSHIP, GRANTED BY THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF HILLSBOROUGH, APPOINTING SAMUEL FOSTER GAURDIAN OF JAMES MCCLURE—

[Passed November 4, 1785. Original Acts, vol. 9, p. 131; recorded Acts, vol. 5, p. 138.]

Whereas Charity Lund of Merrimac in said County of Hillsborough, hath petitioned this Court, praying that the said Letter of Guardianship may be revoked, for Reasons set forth in said Petition which appear just and reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court convened—That the said Letter of Gaurdianship be, and it hereby is revoked, vacated, and rendered null and void.

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUTT RIVER, IN JONATHAN MASON OF LYME, HIS HEIRS AND ASSIGNS—

[Passed November 4, 1785. Original Acts, vol. 9, p. 132; recorded Acts, vol. 5, p. 134.]

Whereas the said Jonathan Mason hath Petitioned this Court, setting forth that there hath been for many years past and still is a ferry kept across the River Connecticut against the Farm on which He now liveth, by the Inhabitants of Thetford in the State of Vermont, and as the Right of said River belongeth to this State, praying the Exclusive priviledge of keeping of said Ferry may Vest in him his heirs and assigns; which Representation and prayer, from the situation of the said Jonathan Mason, and other considerations, appearing Just and reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court conven'd: That the Sole and exclusive Right and Priviledge of keeping a Ferry over said River, beginning at the South line of Orford and to extend down the said River until it meeteth the North line of the Ferry granted to Ebenezer Green Esqr, be and is hereby granted to and vested in the said Jonathan Mason his heirs & assigns, He or they from

time to time as the same may happen, giving bond, with surety in the Sum of One thousand pound, to the Clark of the Court of General Sessions of the Peace in the County of Grafton, that the said Ferry shall be well kept and constantly attended—

And be it further Enacted, that if any person or persons Shall for hire or reward transport over said River, within the limits aforesaid, any person creature, or thing, such person so transporting shall forfeit and pay forty shillings for each Person, creature or thing so transported, to be recovered by Action of Debt before any Justice of Peace, in said County one moiety of which sum shall be for the use of the Complainant and the other moiety thereof to the use of the County of Grafton aforesaid—

[CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE NOAH COOKE OF NEW-IPSWICH IN SAID STATE TO HIS LAW—

[Passed November 7, 1785. Original Acts, vol. 9, p. 133; recorded Acts, vol. 5, p. 139.]

Whereas Noah Cooke of New-Ipswich aforesaid Gentleman hath petitioned the General Court of said State setting forth that he on the second Tuesday of October A D 1783 commenced an Action against John Stark of Derryfield in the County of Hillsborough Esqr for the sum of sixty pounds which sum the said Stark had and received to the said Noah Cookes Use as Chaplain to the said John Starks Regiment in 1775 and 1776, and afterwards at the Superior Court in May A D 1784 held at Charlestown within and for the County of Cheshire the said John Stark recovered Judgment against the said Noah Cooke thereupon, and afterwards in June A D 1784 the said Stark commenced an action against the said Noah Cooke for thirteen pounds ten shillings upon two Receipts—and at the Superior Court held at Amherst on the first Tuesday of October last the said Starke recovered Judgment thereupon, and for his Costs, and that the said Cooke was at great expense in journeying to Philadelphia to obtain proof of the said Starke<sup>s</sup> drawing and receiving Monies for a Chaplain for his Regiment, and thereby the said Cooke did obtain evidence that the said Starke had drawn and Received four hundred thirty three and one third dollars in 1775 and 1776 for a Chaplain to his Regiment. And the said Cooke praying for liberty to review the Action first mentioned, with full liberty of enlarging the Writ and Declaration in said Action, and that there be no bar against the said Cookes recovering in the same Action so to be reviewed on

Account of there not being a demand and refusal proved previous to the said Cookes first commencing an Action against the said Starke, and that Execution may be stayed and not issue against said Cooke in favor of said Starke untill Judgment be rendered final on said Action so to be reviewed as aforesaid provided said Action of review is commenced at the next Court proper to try the same. And a full hearing being had upon said Petition and the Prayer thereof appearing reasonable

Be it therefore Enacted by the Senate and House of Representatives in General Court Convened that the said Noah Cooke have from and after the passing this Act full liberty of reviewing the said Action first mentioned that he commenced against the said John Starke with full liberty to enlarge the Writ and Declaration thereof in any Court proper to try the same, and that all processes in favor of said Starke against said Cooke shall cease and stop untill final Judgment may be or shall be rendered on the same Action so to be reviewed as afore said, provided the same Action so to be reviewed is commenced at the next Court proper to try the same.

And be it therefore further Enacted by the Authority aforesaid that the said Noah Cooke shall never be obliged to prove any demand upon the said John Starke or any refusal by him upon the trial of the Action so to be reviewed as aforesaid any Law Usage or Custom to the contrary notwithstanding.

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT THE BODIES OF DEBTORS FROM BEING  
TAKEN ON EXECUTION WHEN REAL OR PERSONAL ESTATE CAN  
BE FOUND OR IS TENDERED TO SATISFY THE DEMAND—

[Passed November 8, 1785. Original Acts, vol. 9, p. 134; recorded Acts, vol. 5, p. 141. Laws, 1780 ed., p. 367. See act of January 17, 1771, act of January 3, 1784 and act of June 23, 1786.]

Whereas in the present scarcity of Cash it is Extremely difficult for debtors to discharge the demands against them in silver and gold, and the committing persons to prison on Execution for Debt when Real or personal Estate is tendered by the debtor or found by the creditor to satisfy the same, would at this time be very injurious—

Therefore be it Enacted by the Senate and House of Representatives in General Court conven'd that after the publication of this Act and during the Continuance thereof, Whenever any Debtor shall Tender to the Creditor or Officer in Satisfaction of any Execution recovered upon action of Debt, covenant or

promise, either Real or personal Estate sufficient to satisfy the same, said Debtors body shall not be liable to be taken in Execution, but the Estate aforesaid may be taken by the Creditor and appraised off in the same manner as the Law directs for the appraising off Real Estate in satisfaction of Executions, Provided always that in case of Estate being tendered as aforesaid, the Creditor shall not be compelled to accept the Estate so tendered, if he can find any other Estate Real or personal whereon to Levy the same which may be appraised & set off as aforesaid—

And be it further Enacted that in all Cases, where real Estate shall be tendered by the Debtor and accepted by the Creditor, no Equity of Redemption shall be allowed, but if the said Real Estate is taken at the Election of the Creditor, the same time for redeeming such Estate, shall be allowed as the Law of this State in such Cases provides—

And be it further Enacted that when the Creditor shall not think proper to Levy his Execution on Real or personal Estate found or tendered as aforesaid the body of the Debtor shall be Exempt, and the said Debt shall carry Six per cent per annum Interest on the Judgement until the same is Satisfied—

And be it further Enacted that the Creditor may at any time renew his Execution by taking out an alias within one year after the Return of any former Execution and levy the same on any Estate of the Debtor which he can find, and the Clerk of the Court Issuing out such alias Execution shall cast the Interest thereon from the time of Rendering the Original Judgement and certify the same on the back of the Alias Execution, and the Sheriff or other officer is hereby impowered to Levy for the same as though it was contained in the original Judgement—

And in order that the Sheriff or other Officer may know what Executions are for Debt, on contract or promise & what are for damages in trespass and other Actions for torts—

Be it further Enacted that the Clerk shall on the back of every Execution certify what said Execution was recovered upon whether on Note Bond, contract, covenant or for trespass, trover or other tortious act; And if it be for any tort the Sheriff shall proceed to serve and levy the same as though this Act had not been made—

And be it further Enacted that when it shall happen that the Body of any Debtor shall be taken by an Execution in any other County than where his Estate shall happen to be, if he shall make Oath before any Justice of the Peace in the County where he happens to be taken that he has Estate Real or personal in some other County sufficient to Satisfy such Execution free from Incumbrance and shall particularly describe the same, the Sheriff shall immediately Notify the Creditor his agent or attorney and certify on the back of said Execution that the said

Debtor has made such Oath or affirmation and shall deliver the same over to the Creditor, who if he thinks proper may repair to the County where said Estate is supposed to lay, and the Sheriff or his Deputy of that County may proceed to serve the same on such Estate and make return thereon of his having levied on such Estate, or that none such could be found and deliver the same to the Creditor, who is to return the same within twenty days to the Sheriff who first served said Execution, and in case the creditor neglects so to do within the time aforesaid, the Sheriff or his Prison keeper, if the Debtor stands committed, Shall Liberate the Debtor, upon his paying the fees of Service and prison charges, if any there be, And the Sheriff who first apprehended the body of such Debtor Shall on his delivery over such Execution to the creditor take and keep a Copy thereof which shall be sufficient for him to detain the body of such Debtor during the twenty days aforesaid—

And be it further Enacted that in future Executions shall be directed to any or either of the Sheriffs of the several and respective Counties or their deputies unless where the Sheriff is a party, in which case they are to be directed to the Coroner of his County and to the Sheriffs of the other Counties and their respective deputies And in order that the Creditor may not be injured by want of proper Notice. Be it further Enacted that when an Execution is delivered or sent to the Sheriff of any County the person delivering or sending the same shall on the back thereof indorse the name of some person in the same County, who shall be considered as the Creditors attorney and Notified by the Sheriff as such unless the Creditors live within or can be found in the said Sheriffs precinct—

And be it further Enacted that in all Executions now in force the words “to the acceptance of the Creditor.” shall be deemed null and void, and in all Executions to be Issued after the publication of this act no such words shall be inserted any law usage or custom to the contrary notwithstanding—

And Be it further Enacted that if after such oath or Affirmation made as afores<sup>d</sup> no such Estate can be found and is so certified by the officer the body of the Debtor shall be holden until he Satisfies the Execution, with all the Costs thereon although this Act had not been made—

This Act to continue and be in force for the term of two years and no longer

## [CHAPTER 17.]

*State of  
New Hampshire.* }

## AN ACT FOR THE RECOVERY OF SMALL DEBTS IN AN EXPEDITIOUS WAY AND MANNER.

[Passed November 9, 1785. Original Acts, vol. 9, p. 135; recorded Acts, vol. 5, p. 147. Laws, 1780 ed., p. 370. See act of January 3, 1784. Repealed by act of June 28, 1787.]

Be it enacted by the Senate and House of Representatives in General Court convened that every Justice of the peace in the Town where he resides be and hereby is, fully authorized and Impowered to hear try and determine all pleas and actions of Debt and trespass where Title of Land is not concerned arising or happening within this State to the value of Ten pounds or under and to give Judgment therein and to award Execution thereupon, and either party aggrieved at the Judgment given by any such Justice may appeal therefrom to the next Inferior Court of Common Pleas to be holden in and for the County where such action may be commenced & the party appealing shall give security with sufficient sureties by way of Recognizance before such Justice unto the appellee in a reasonable sum not exceeding Twenty pounds to prosecute his appeal with effect and pay such costs & damages as shall be awarded against him—

And be it further enacted that no action shall be commenced to or sustained by, any Inferior Court of common pleas within this State in which the sum demanded does not exceed the sum of five pounds or title of Land concerned unless by appeal from the Judgment of a Justice of the Peace.

And be it further enacted that when the parties in any such Action shall agree to submit the same (and if they pleased all demands) to referees by them to be Chosen such Justice is hereby impowered to make a record of the same, issue a Rule in Common form, receive the report, enter up Judgment and award Execution accordingly—

And be it further enacted that when any Execution issued by a Justice of the peace shall be extended upon Real Estate the same and the proceedings thereupon shall be recorded in the Registry Office of Deeds in the County where such Lands may be—

And be it further Enacted that any Constable within the Town where he dwells is hereby fully authorized to Serve and return any precept issued by any justice of the peace in pursuance of this Act—

## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER SAMUEL PILSBURY TO COLLECT CERTAIN  
TAXES IN THE TOWN OF LONDONDERRY.

[Passed November 9, 1785. Original Acts, vol. 9, p. 136; recorded Acts, vol. 5, p. 146.]

Whereas Joanna Chapman of Londonderry in the County of Rockingham and State aforesaid, petitioned the General Court, setting forth, that John Champman late of Londonderry Husbandman deceased, intestate was chosen Constable for Londonderry aforesaid for the Years AD 1781 and 1782—had Warrants with Lists of Taxes committed to him for collecting the same, which he partly did before his Decease—That it would be convenient to have Samuel Pilsbury of said Londonderry Gentleman, specially appointed to collect the Remainder of said Taxes; Wherefore she prays that the said Samuel Pilsbury might be so appointed by the Legislature of this State; which Petition having been read and considered, and the prayer thereof appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the said Samuel Pillsbury be, and he hereby is appointed Collector of the Taxes aforesaid, uncollected by the said John Chapman at the Time of his decease, and that the said Samuel, for the purpose aforesaid be, and hereby is invested with the same power & Authority as other Collectors of Taxes within their respective Towns are vested with; and that the said Samuel Pillsbury collect, and pay the remainder of said Taxes according to the directions given in said Warrants, and in Case of Failure thereof, the said Samuel shall be liable to an Extent or Warrant for his delinquency therein, in the same manner as the Law directs concerning other Delinquent Collectors of Taxes.



## [CHAPTER 19.]

*State of* }  
*New Hampshire.*

AN ACT IN ADDITION TO, AND AMENDMENT OF AN ACT INTITLED, "AN ACT FOR REPEALING ALL THE LAWS HERETOFORE MADE BY THE PROVINCE, COLONY, OR STATE OF NEWHAMPSHIRE RELATING TO KILLING WOLVES, AND FOR FIXING THE PREMIUMS HEREAFTER TO BE GIVEN FOR KILLING THOSE ANIMALS, PASSED THE SEVENTEENTH DAY OF JANUARY AD 1782—

[Passed November 10, 1785. Original Acts, vol. 9, p. 137; recorded Acts, vol. 5, p. 149. Perpetual Laws, 1789 ed., p. 234. Repealed June 20, 1792.]

Whereas the Bounties given by said Act, are found insufficient to answer the Design of the same—

Therefore be it enacted by the Senate and House of Representatives in General Court convened—That instead of three pounds for each Wolf as given by said Act, the Premium of six pounds for killing each Wolf as in said Act directed is hereby given—and instead of thirty Shillings as there given for every Wolf's Whelp, the premium of three pounds is hereby given—

And be it further enacted that instead of the Constable's receiving the heads, and cutting the Ears from such Wolves or Whelps so killed, as in said Act is provided The Selectmen of the respective Towns in this State are hereby impowered to receive the heads of any Wolf or Whelp so killed within the same Town, or within any adjacent Town within this State where there are no Selectmen; and give Receipt accordingly—

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED  
 AT THIS SESSION:

*State of* }  
*New Hampshire.*

The Senate and House of Representatives in Committee of the Whole, October 24, 1785.

The Honb<sup>l</sup> Senate & House being again met in Committee of the Whole—His Excellency the President in the Chair—Proceeded to the further consideration of the Suspension of the Operation of the Navigation Act, and came to the following vote—Voted that the Operation of said Act be not Suspended—Proceeded to consider of the propriety of corresponding with the other States in the Union respecting the Regulation of Commerce, and came to the following vote thereon—Voted that his Excellency the President be desired to write the Several Executives in the Union & request to know whether their Assemblies have, or are likely to join with this State & Massachusetts in their commercial opposition to great Britain—whether they have impowered Congress to regulate commerce, or have passed, or probably will pass

Acts Similar to those Enacted by this & the Massachusetts States in June last respecting Navigation & Commerce, and lay such information before the General Court at their next Session.

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*State of  
New Hampshire.* }

In the House of Representatives, November 3, 1785.

Resolved that the Committee of claims immediately make up a Compleat Account of all Soldiers who were raised to fill up the Continental Battalions in the years 1781 and 1782 and that on application of any Select men or Representative of any Town or place which raised Soldiers for the Service above said they shall give a Certificate of the Same with the time or times when such Soldier or Soldiers passed muster—And that his Excellency the President be and hereby is impowered to draw orders on the Treasury for the Same which orders shall be received by the Treasurer in payment for any State Taxes & for any Sums due for deficiency of Soldiers for the said Years 1781 and 1782—And it is further Resolved that the Treasurer forthwith issue Extents against all Towns and places who were deficient in raising their Quota of Soldiers in the said Years 1781 and 1782—

Senate concurred November 3, 1784.

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*State of  
New Hampshire.* }

In House of Representatives, November 9, 1785.

Voted that a Post be Established from Portsmouth through Exeter, Nottingham, Concord and Plymouth to Haverhill and from thence down Connecticut River to Charlestown from thence through Keene Amherst and Exeter to Portsmouth And from Portsmouth through Exeter, Amherst, Keen and Charlestown to Haverhill and to return by Plymouth, Concord Nottingham & Exeter to Portsmouth and so on Alternately

That another Post be established from Portsmouth through Dover to Wakefield from thence to Tamworth around Winnepissecoke Lake through Gilmantown, Barnstead, Barrington & Dover to Portsmouth—That one hundred pounds be granted for the above purpose—That his Excellency the President be impowered by and with advice of Council to appoint post-masters and post riders and to pay them for their Services—Also from time to time to fix the Postage of Letters—

Senate concurred November 10, 1785.

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*State of  
New Hampshire.* }

In Senate, November 9, 1785.

Resolved that Joseph Gilman and Josiah Gilman Esquires be and hereby are appointed Commissioners Jointly or Severally to Settle all accompts between this State & Individuals, and that they or either of them in the absence of the others are hereby authorized to call on the

holders of property and money belonging to this State for immediate Settlement and in case of neglect to prosecute delinquents to final judgment & Execution and that they receive orders on the Treasurer & Certificates for state Taxes for any sum that shall be found due, and that they pay any Sum or Sums they may receive into the Treasury taking the Treasurers receipt therefor—and that when there shall appear to be a ballance due on the Settlement of any account to any person founded on any Act, Vote or Resolve of the General Court or order of the Late Committee of Safety that on the said Commissioners or either of them certifying on the Account of such Sum due—his Excellency the President with advice of Council be impowered to draw an order on the Treasurer for the Same—

House of Representatives concurred November 10, 1785.

[*Third Session, Held at Portsmouth, February 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28; March 1, 2, 3, 4, 1786.*]

[CHAPTER 1.]

*State of  
New Hampshire.*

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER CONNECTICUT RIVER IN EDWARDS BUCKNAM OF LANCASTER IN THE COUNTY OF GRAFTON HIS HEIRS AND ASSIGNS.—

[Passed February 10, 1786. Original Acts, vol. 10, p. 1; recorded Acts, vol. 5, p. 150.]

Whereas the said Bucknam hath Petitioned the General Court, Representing that he (with others) has erected a Mill at a place called the Great Falls at Northumberland, that there is no Ferry kept near said Falls to Accommodate those who shall have Occasion to pass from said Mill to Northumberland, And he is willing to provide Suitable Boats and maintain a Ferry there; And Praying that the exclusive Privilege of a Ferry at said Falls and to extend One Mile up and One Mile down from the Center thereof may be granted to him his Heirs and Assigns; which Representation appearing Just and the Prayer of Said Petition reasonable.

Be it Therefore Enacted by the Senate and House of Representatives in General Court Conven'd, That the Sole and exclusive Right and Privilege of keeping a Ferry over the said River extending One Mile up and One Mile down the same from the Center of said Falls, be and hereby is granted to and vested in him the said Edwards Bucknam his heirs and Assigns, he and they from time to time as the same shall fall giving Bond with Surety in the Sum of One Thousand Pounds, to the Clerk of the Court of Sessions of the Peace for the County of Grafton, that the said Ferry shall be well kept and constantly attended.—

And be it further enacted by the Authority Aforesaid, that if any other Person or Persons shall for hire or reward transport over said River within a Mile of said Falls, any Person, Creature, or Thing, Such person so transporting shall forfeit and pay to the said Edwards Bucknam his heirs or assigns the Sum of Forty Shillings for each Person, Creature and Thing so transported, to be recovered by Action of Debt before any Justice of the Peace within the said County.

## [CHAPTER 2.]

*State of  
New Hampshire.*

AN ACT FOR THE OPENING AND MAKING PASSABLE A HIGH WAY  
FROM DARTMOUTH COLLEGE TO BOSCAWEN.

[Passed February 13, 1786. Original Acts, vol. 10, p. 2; recorded Acts, vol. 5, p. 152. Laws, 1786 ed., p. 373. See act of November 11, 1784 and act of January 6, 1787.]

Whereas the Committee appointed by the Late General Court of this State at their Sessions in November last, for the purpose of laying out a Road or Highway from Dartmouth College to the Town of Boscawen, have made their Return, and it appearing to be very necessary that the same should be Cleared and made passable for Waggon and Teams as soon as may be—

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, that the several Towns and Parishes, through which the said Highway is laid out shall as soon as may be; Clear and make passable a good Waggon Road at the Expence of the said Respective Towns and Parishes—And that the Select Men of the said Towns & Parishes are hereby directed and Impowered to Assess a Tax on the Rateable Polls and Estates within their Respective Towns & Parishes agreeably to the laws of this State for making and Repairing Highways and Bridges sufficient to defray the expence of the same—

And for the more effectually carrying this Act into Execution—Be it therefore Enacted that Coll Elisha Pain Cap<sup>t</sup> Joseph Hoyt and Lieu<sup>t</sup> Robert Smith, be a Committee to call on the Select Men of the Respective Towns and Parishes to make and Repair said Road, and the said Committee are hereby Impowered to direct, order and see, that the same is seasonably and Effectually compleated—

## [CHAPTER 3.]

*State of  
New Hampshire.*

AN ACT TO CONFIRM A DONATION, THAT THE PIOUS DESIGN OF THE  
DONOR MAY NOT BE PERVERTED.

[Passed February 15, 1786. Original Acts, vol. 10, p. 3; recorded Acts, vol. 5, p. 153.]

Whereas M<sup>r</sup> Nicholas Gilman Jun<sup>r</sup> formerly of Exeter now deceased did by his last Will & Testament give and devise to his Brother Peter Gilman Esq<sup>r</sup> M<sup>r</sup> Daniel Thing & Samuel Gil-

man Esq<sup>rs</sup> Twenty two Acres of Land with the buildings thereon situate near the Great Bridge in said Exeter to be improved by any two of them for and towards the Support of a Minister or Ministers which should or might be thereafter settled in the Ministry in the Church of Christ which usually meet in the New Meeting House so called, or for any other pious Use according to their Discretion, and it appearing that two of said persons to whom the Devise was made in Trust for the Use aforesaid are deceased; and it being doubtful whether any other person mentioned in said Will can legally hold & improve said premises for the use aforesaid according to the pious intention of the Donor.

Therefore, to prevent any perversion of said Gift & all disputes respecting the legal and effectual execution of so good and laudable, as well as clear and manifest a Design—Be it enacted by the Senate & house of Representatives in General Court convened that the Hon<sup>ble</sup> Peter Gilman Esq<sup>r</sup> Doctor Josiah Gilman and Thomas Odiorne Esq<sup>r</sup> be and they hereby are nominated and appointed Trustees; and that the Major part of said Trustees and of their Successors for the time being shall fill up any Vacancy that may happen by death or incapacity of any of their number; and that they and their Successors shall forever hereafter use and improve the land and buildings aforesaid for the sole purposes mentioned in said Will—

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

#### AN ACT TO INCORPORATE A CERTAIN PART OF HOLLES WITH THE INHABITANTS OF RABY.

[Passed February 17, 1786. Original Acts, vol. 10, p. 4; recorded Acts, vol. 5, p. 155. See act of January 12, 1787.]

Whereas the Inhabitants of Raby in the County of Hillsborough & State aforesaid have petitioned the General Court setting forth that their Township was too small & its Inhabitants too few to bear the Charges of a Town—that at the time of their incorporation it was intended to include more of the town of Holles than it is now found to contain, which deprives the Inhabitants of Raby of the privileges meant to be secured to them by their incorporation—Wherefore they prayed that the after-described Tract of land which was originally intended by their incorporation as part of Raby but is now found to be included within the bounds of Holles might be annexed to and the Inhabitants thereof incorporated with the Town of Raby—which prayer on a full & fair hearing of the parties appearing reasonable—Therefore,

Be it enacted by the Senate & House of Representatives in General Court convened, that the following Tract of Land—to wit—Beginning at a Stake and Stones on the South Side of the Town of Holles which is the line between this State and the Government of Massachusetts being the same Stake and Stones which are in the South-East Corner of Raby then running easterly on said line as that runs three Quarters of a mile from the Stake & Stones aforesaid. then turning at a right angle & running till it comes to a point opposite to the northeast Corner of Raby, carrying the breadth of three quarters of a mile the whole way to the point aforesaid, from and after the passing of this Act shall be annexed to, and deemed part of & incorporated with the Town of Raby & the inhabitants now on said tract of land and all others who may hereafter live thereon shall be intitled to the same privileges, liberties, franchises, immunities and advantages & be subjected to the like duties as the inhabitants of said Raby are by their incorporation & the Laws of this State any Law Usage or Custom to the Contrary notwithstanding.

Provided nevertheless that the Inhabitants of said tract of Land hereby annexed to & incorporated with the Town of Raby shall pay their Taxes up to the time of the making of this Act to the Town of Holles as though this act had not been made.

## [CHAPTER 5.]

*State of  
New Hampshire.* }

### AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MEETINGS IN THE TOWN OF PACKERSFIELD.

[Passed February 21, 1786. Original Acts, vol. 10, p. 5; recorded Acts, vol. 5, p. 157. See act of March 9, 1778.]

Whereas the holding of the annual Meetings in the Town of Packersfield on the last Monday in the Month of March as by Law established is found to be inconvenient Therefore,

Be it enacted by the Senate and house of Representatives in General Court convened that from and after the first day of April next the annual Meetings in said Packersfield instead of the last Monday in the Month of March shall be forever holden on the first Tuesday of the month of March any Law, Usage or Custom to the contrary notwithstanding.

## [CHAPTER 6.]

*State of  
New Hampshire.*

AN ACT TO IMPOWER THE SUPERIOR COURT OF JUDICATURE TO RENDER COMPLETE AND PERFECT JUDGMENT FOR DAMAGES AND COSTS IN AN ACTION BROUGHT AT SAID COURT BY ZEBULON MARSH AGAINST EDWARD HILTON & TO AWARD EXECUTION THEREON.

[Passed February 21, 1786. Original Acts, vol. 10, p. 6; recorded Acts, vol. 5, p. 158.]

Whereas Zebulon Marsh of Newmarket in the County of Rockingham & State aforesaid hath petitioned the General Court representing that Edward Hilton of Newmarket aforesaid brought against him an Action of Trespass on the Case at the Inferior Court of Common pleas held at Portsmouth on the first Thursday next following the first tuesday of June AD 1771 for saying that the said Edward had been intimate with the said Zebulon's wife, upon which Action, on an appeal to the Superior Court the said Edward recovered against the said Zebulon Ten pounds damages and fifty six pounds eighteen shillings & seven pence cost of suit—that the said Zebulon afterwards reviewed the said Action at the Superior Court of Judicature held at Exeter on the first Tuesday of September A D 1779 when the Jury found Reversion of the former Judgment restitution of the damages and Costs recovered on the appeal & costs of Courts and Judgment was awarded accordingly. But the Costs of Court had never been taxed in favor of the said Zebulon though he had often applied to the Court for that purpose, the Court doubting their power either to change the damages given on Review in paper money into hard money or to tax the Costs in the present money by which means the said Zebulon had never been able to obtain the fruits of his Judgment on Review wherefore the said Zebulon prayed the General Court to empower said Superior court to render Judgment for Damages and Costs in said Action of Review & to award Execution thereon, which representation on a full & fair hearing of the parties appearing just & the prayer of said Zebulon's petition reasonable. Therefore,

Be it enacted by the Senate & house of Representatives in General Court convened, that the said Superior Court of Judicature be & hereby are fully authorized and empowered to render complete & perfect the Judgment aforesaid on said Review yet remaining incomplete according as they may judge just and equitable for damages and Costs & to award Execution thereon notwithstanding any Objections which have been or



may be made thereto on account of said Judgment's being incomplete or otherwise.

### [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ESTABLISH AN EQUITABLE METHOD OF MAKING RATES AND TAXES "AND DETERMINING WHO SHALL BE LEGAL VOTERS IN TOWN "AND PARISH AFFAIRS: AND ALSO FOR REPEALING CERTAIN "ACTS HEREIN AFTER MENTIONED." AND TO EXPLAIN CERTAIN CLAUSES THEREOF.

[Passed February 22, 1786. Original Acts, vol. 10, p. 7; recorded Acts, vol. 5, p. 160. Laws, 1780 ed., p. 374. See acts of June 11, 1784 and November 9, 1784. Repealed by act of February 7, 1789.]

Whereas in and by the aforesaid Act it is among other things enacted that the buildings of non-residents be taxed at the rate of half of one per Cent; but the mode of collecting such Taxes is not clearly pointed out; although the mode of collecting taxes on *unimproved Lands* of non-residents is clearly ascertained in said Act, which omission has caused doubts to arise in the minds of Collectors within this State how they ought to proceed:—

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the several Collectors within this State shall proceed to collect all Taxes assessed on the buildings of non-residents, in the same manner as they are empowered to do, upon the unimproved Lands of Non-resident Proprietors of such Lands;—Any Law, usage, or custom to the contrary notwithstanding.

### [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT TO CONFIRM THE TITLE OF A CERTAIN TRACT OF LAND IN RINDGE TO BARNABAS BARKER HIS HEIRS & ASSIGNS.

[Passed February 23, 1786. Original Acts, vol. 10, p. 8; recorded Acts, vol. 5, p. 164.]

Whereas Barnabas Barker of Rindge in the County of Cheshire & State aforesaid hath petitioned the General Court representing that in the year 1779 he bargained with one Thomas Sackville Tufton of Groton for a certain tract of Land lying in Rindge aforesaid, to wit, all of Lot number Seven in the Sixth

Range of Lots, excepting Twenty Acres to be laid off at the Northeasterly corner of said Lot, also the whole of Lot number eight in the sixth Range of Lots, also all the Land in lot number eight that lies south of the pond called Emerson's pond in the seventh Range of lots the whole of said Land containing Two hundred & Fifty Acres more or less with the Buildings standing thereon for which he gave the said Tufton a valuable Consideration & which land said Tufton purchased of one Jehosaphat Grout & one Silas Burdoo and afterwards on the 17<sup>th</sup> Day of February 1780 the said Barker took a deed of said Tufton of said Land which deed was duly executed & recorded; after which the said Tufton absconded without having the Deeds given to him of any part of said Land recorded, whereby said Barker was in Danger of losing the Land so honestly & bona fide purchased; wherefore he prayed that the Title of said Land might be confirmed to him his heirs & assigns as though the said Deeds given to the said Tufton had been recorded which representation after a full & fair hearing thereof appearing just and the prayer of said petition reasonable,

Therefore Be it enacted by the Senate and house of Representatives in General Court convened that the title of all & every part of the Land so as aforesaid purchased of the said Tufton be & hereby is confirmed to him his heirs & assigns in as full & effectual a manner as if the Deeds of all or of any part of said Land given to said Tufton had been recorded any Law Usage or Custom to the contrary notwithstanding.

## [CHAPTER 9.]

*State of  
New Hampshire.* }

### AN ACT FOR LAYING A FINE ON DELINQUENT SHERIFFS AND TOWN CLERKS.—

[Passed February 24, 1786. Original Acts, vol. 10, p. 9; recorded Acts, vol. 5, p. 163. Laws, 1780 ed., p. 375; Perpetual Laws, 1789, ed., p. 144; Laws, 1792 ed., p. 150. See act of June 17, 1801.]

Whereas many inconveniencies have arisen from the neglect of Sheriffs and Town Clerks, in not seasonably making Returns of Votes for a President, Senators, and other Officers, elected by the Suffrages of the People.—Therefore

Be it enacted by the Senate, and House of Representatives in general Court convened; That if any Sheriff shall neglect to make due Return, agreeable to Constitution of the Votes of the respective Counties, for all or any of the Officers aforesaid, that may seasonably come to the hand or Custody of such Sheriff, shall for every such neglect, forfeit and pay a Fine of Twenty

pounds, the one moiety thereof for the use of the County, to which any such delinquent Sheriff belongs, the other moiety thereof for the use of the Complainant who shall sue for and recover the same, by Action, Bill, plaint, or Information in any Court proper to try the same.—

And be it further enacted, by the authority aforesaid, That if the Clerk of any Town, Parish or District, shall neglect, to make return of the Votes of his respective Town Parish or District, for any of the Officers aforesaid, agreeable to the Constitution, and Laws of the State, shall for each and every such neglect, forfeit and pay the sum of forty shillings; to be recovered in manner aforesaid, the one moiety for the use of the Complainant, who shall sue for and recover the same; and the other moiety thereof, for the use of the Town, Parish or District, to which such delinquent Clerk belongs.—

### [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN SAMUEL BALEY OF LEBANON HIS HEIRS & ASSIGNS

[Passed February 25, 1786. Original Acts, vol. 10, p. 10; recorded Acts, vol. 5, p. 166.]

Whereas Samuel Baley of Lebanon in the County of Grafton and State aforesaid hath petitioned y<sup>e</sup> General Court setting forth that he hath purchas'd a farm adjoining Connecticut River where there has been a ferry kept for Several years likewise has purchas'd y<sup>e</sup> boats that has been improv'd at s<sup>d</sup> ferry; wherefore he prayed that the privilege of keeping a ferry from the mouth of white river to the mouth of Mascame river being about one mile & an half, might be granted to him his heirs & assigns which representation appearing Just & the prayer of his petition reasonable—Therefore—

Be it enacted by the Senate and house of Representatives in General Court convened that the Sole & exclusive right & privilege of keeping a ferry over Connecticut river in any place from y<sup>e</sup> mouth of white river to the mouth of mascame river being about one mile and an half, be and hereby is granted to and vested in the said Samuel Baley his heirs and assigns he or they from time to time as the Same shall happen giving bond with sufficient Surety in the sum of one Thousand pounds to y<sup>e</sup> Clerk of the Court of general Sessions of the peace for y<sup>e</sup> County of Grafton that the s<sup>d</sup> Ferry shall be constantly attended and well kept

And Be it further enacted that if any person or persons shall for hire or reward transport over s<sup>d</sup> River within the one mile & an half aforesaid any person Creature or thing such person so transporting shall forfeit and pay to y<sup>e</sup> said Samuel Baley his heirs or assigns the sum of forty Shillings to be recovered by action of Debt before Any Court within said County proper to try the Same

[CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY  
OVER A CERTAIN PART OF CONNECTICUT RIVER IN BENJAMIN  
BELLOWES OF WALPOLE HIS HEIRS AND ASSIGNS

[Passed February 25, 1786. Original Acts, vol. 10, p. 11; recorded Acts, vol. 5, p. 168.]

Whereas Benjamin Bellows of Walpole in the County of Cheshire & State aforesaid Esq<sup>r</sup> hath petitioned the General Court setting forth that a Committee being appointed by said County to alter the Road in said town of Walpole in order to accomodate the public, it will be necessary said road should pass through Land of said Bellows and others & that a Ferry will be a great additional advantage thereto; wherefore he prayed that the privilege of keeping a Ferry within the Limits there mentioned might be granted to him, his heirs & assigns—which representation appearing just & the prayer of his petition, reasonable—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the sole and exclusive right and privilege of keeping a ferry over Connecticut River in any place from the South line of Walpole three miles north as said River runs be and hereby is granted to and vested in the said Benjamin Bellows his heirs and assigns, he or they from time to time as the same shall happen giving bond with sufficient surety in the Sum of one Thousand pounds to the Clerk of the Court of general Sessions of the peace for the County of Cheshire, that the said Ferry shall be constantly attended and well kept.

And Be it further enacted that if any person or persons shall for hire or reward transport over said River within the three miles aforesaid any person Creature or Thing, such persons so transporting shall forfeit and pay to the said Benjamin Bellows his heirs or assigns the Sum of Forty shillings—to be recovered by action of Debt before any Court within said County proper to try the same—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY  
 OVER A CERTAIN PART OF CONNECTICUT RIVER IN JOSEPH  
 KIMBALL OF PLAINFIELD HIS HEIRS & ASSIGNS

[Passed February 25, 1786. Original Acts, vol. 10, p. 12; recorded Acts, vol. 5, p. 169.]

Whereas Joseph Kimball of Plainfield in the County of Cheshire & State aforesaid Esq<sup>r</sup> hath petitioned y<sup>e</sup> General Court setting that he hath been at y<sup>e</sup> expence of keeping a ferry across said River for upwards of five years at y<sup>e</sup> mouth of water-quecher River which ferry hath been very expensive in providing Boats to serve the publick for which he hath receiv'd little or no benefit and expecting that in some future time it may be some profit: Wherefore he praying that the privilege of keeping a ferry, beginning at Lebanon South Line extending three miles down said River, might be granted to him his heirs and assigns, which representation appearing Just & y<sup>e</sup> prayer of his petition reasonable

Therefore—Be it enacted by y<sup>e</sup> Senate & house of Representatives in General Court convened that the Sole and exclusive right & priviledge of keeping a ferry over Connecticut River in any place from y<sup>e</sup> South line of Lebanon three miles down s<sup>d</sup> River be and hereby is granted to and vested in the s<sup>d</sup> Joseph Kimball his heirs & assigns he or they from time to time as y<sup>e</sup> same shall happen giving bond with sufficient surety in the Sum of one Thousand pounds to y<sup>e</sup> Clerk of the Court of general Sessions of the peace for the County of Cheshire, that the said Ferry shall be constantly attended & well kept

And Be it further enacted that if any person or persons shall for hire or reward transport over said River within the three miles afores<sup>d</sup> any person Creature or thing such person so transporting shall forfeit and pay to the said Joseph Kimball his heirs or assigns the Sum of forty Shillings—to be recovered by action of Debt before any Court within s<sup>d</sup> County proper to try the Same

## [CHAPTER 13.]

*State of*  
*New Hampshire.* }

## AN ACT FOR LAYING OUT HIGHWAYS.

[Passed February 27, 1786. Original Acts, vol. 10, p. 13; recorded Acts, vol. 5, p. 171. Laws, 1780 ed., p. 376; Perpetual Laws, 1789 ed., p. 53. See act of February 8, 1791. Repealed by act of June 20, 1792.]

Whereas by the progressive cultivation and settlement of this State and improvement of new lands, new highways often become necessary.

Be it therefore enacted by the Senate and House of Representatives in General Court convened That at any time hereafter when there shall be occasion for any new highways or private roads to be laid out in any town or parish within this State the selectmen of such town or parish shall be and hereby are empowered upon petition to them exhibited if they see cause to lay out the same whether such highway or road be for the benefit of the town or public in general or for the benefit of the petitioner or petitioners only and due recompense shall be made to the owner or owners of lands through which such highways or roads may be laid out either by the town or parish where such ways are for general use or by the petitioner or petitioners only in case such roads be solely for their use. Provided no road for the use of individuals shall be returned and recorded before the damage awarded therefor be paid or tendered. And in case there shall be occasion for any new highway to be laid out from town to town through several towns or through tracts of land not incorporated, or both or either, in any county within this State the court of general sessions of the peace for such county upon petition to them for that purpose, shall and may, if they see cause lay out or cause to be laid out such highway by a committee to be appointed for that purpose, the return whereof being recorded in said court shall be valid. And said committee shall estimate the damage done to any persons property within any town or parish by means of such laying out, to be paid for by such respective town or parish. Provided, That the Selectmen of such towns or parishes shall be duly notified by the court to appear and shew cause if any they have why such highways should not be laid out. And in case the way petitioned for or any part thereof, shall be, to be laid out thro' any lands not incorporated the substance of the petition and order of the court thereon shall be published three weeks successively in the Newhampshire Gazette that the owner of such land may appear and shew cause if any he have why the said high way should not be laid out.

And be it further enacted That in case the Selectmen of any town or parish in this State being petitioned as aforesaid, shall unreasonably neglect to lay out any such highway requested as aforesaid the petitioners may apply to the court of general sessions of the peace setting forth such unreasonable neglect and the court shall cause the said selectmen to be notified and after hearing the parties may if they think fit proceed to cause the highway petitioned for to be laid out as before mentioned and allow cost as the case may require. And if any person or persons think themselves agrieved by the selectmen in not making sufficient allowance or in not paying for such highways laid out through their lands in any town or parish respectively such person or persons may petition the court of general sessions of the peace for such county for redress therein, which court may inquire into the same by a committee for that purpose and order such redress with cost of suit as they shall judge equitable and just or may order the petitioner to pay cost and grant execution accordingly—Provided nevertheless that the cost of laying out highways from town to town or through any lands not incorporated into any town or parish upon application originally made to the court of general sessions of the peace shall be paid by the County

#### [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR MENDING AND REPAIRING THE HIGHWAYS IN THIS STATE

[Passed February 27, 1786. Original Acts, vol. 10, p. 14; recorded Acts, vol. 5, p. 174. Laws, 1780 ed., p. 377; Perpetual Laws, 1789 ed., p. 54; Laws, 1792 ed., p. 280. Amended by act of June 20, 1806.]

Be it enacted by the Senate and House of Representatives in General Court convened, That every town and parish within this State, invested with town privileges shall at their annual meetings in the month of march, or at any other legal meeting, vote such sum of money as they shall think proper, for making mending and repairing the several highways and bridges in said town or parish for that year. And the selectmen of said towns and parishes are hereby ordered to make an assessment upon the polls and estates of the inhabitants of their respective towns and parishes in the same manner as for the state tax—And said towns and parishes may at their said meetings choose as many surveyors of highways as they may think proper. And the selectmen shall on or before the first day of June next after the choice of such surveyors, limit their several districts and give

to each surveyor a list of each person belonging to his district and of their respective proportion of the sum voted to repair the highways as aforesaid: And the towns and parishes may, at the time of voting said money, affix the price of the several sorts of utensils and materials to be employed about said highway for that year, as also the price of labor; and if they neglect it the said prices to be set by the selectmen. And the surveyors are directed to warn the several inhabitants of their respective districts, to work on said ways, each man his proportion of said sum at the prices affixed: And every surveyor shall give four days notice, (which notice shall be personal or left in writing at the parties last and usual place of residence) to every person he shall warn of the time and place and tools, when, where and with which, such person shall attend: Except in cases of sudden emergencies, as the repairs of bridges and making paths in deep snows which may require immediate remedy. In which cases it may and shall be lawful for the surveyor to warn them or any of them to attend forthwith. And if any person shall refuse or neglect to work or send a sufficient hand (unless he shall make a reasonable excuse to said surveyor within four days after the time set for said labor, in which case he shall be notified to work at some other time) the said surveyor is hereby authorised and required to levy the delinquents part or proportion of said money by distress in the same manner as the several constables and collectors are enabled by law to do in collecting the State tax. And the surveyors are hereby directed to settle accounts with and pay the balance if any there be in their hands to the selectmen or town treasurer, agreeable to the warrants or directions given them for that purpose: And if any of the surveyors refuse or neglect their duty herein, the selectmen or treasurer for the time being are hereby authorised to proceed with such surveyors, in the same way and manner, as they are by law authorised to proceed with constables or collectors who are delinquent in collecting and paying the taxes committed to them to collect.

And whereas it may happen that by some unforeseen accident, as the decay of bridges, or their being carried off by freshetts the sum allotted to any particular district may prove insufficient.—

Be it enacted by the authority aforesaid, that in all such cases the selectmen may order the surveyor or surveyors of any district or districts with such persons in his or their list, as have not worked out or satisfied their respective rates, to work where such accident shall happen.

And whereas the surveyors of highways are annually chosen in the month of march and some time elapses before the selectmen can set off their districts and make their lists of rates so as to enable them to enter on the duties of their office.

Be it therefore enacted that the surveyors of highways shall



hereafter be considered as beginning their office the first day of June next following their appointments in march and to continue in office for the term of one year from the time of beginning said office.

And be it further enacted, That in case any special damage shall happen to any person or persons, or to his or their teams or carriages, by means of the insufficiency or want of repairs of any highways, or bridges, in any town or parish within this state; the party agrieved shall recover his or their damage, in an action against such town or parish, and the said town or parish shall have a remedy over against any surveyor or surveyors through whose fault or neglect the same happened, And surveyors of highways, are hereby authorised and impowered, to purchase at the cost and charge of their respective towns and parishes, all such timber plank and other materials, as are necessary for mending and repairing the highways and bridges in their respective districts.

And whereas many persons within this state make a practice of unloading and laying down in the Streets or highways, masts spars, mill-logs, boards, plank, timber and other lumber, firewood and rocks for building, to the great incumbrance of said streets and highways so as to render them almost or altogether impassible

For prevention whereof, Be it further enacted by the authority aforesaid, That in any of the cases aforementioned, the surveyor of the district where any such incumbrance shall be, shall make complaint in writing to some justice of the peace for the county, dwelling in the same town or in one of the next adjacent towns to the place where the offence is committed, which justice upon his own view of such incumbrance shall and may, by warrant under his hand and seal directed to such surveyor, cause the same immediately to be removed, so far as the said justice may judge necessary for the public good and may and shall also therein order so much thereof to be sold by such surveyor, as shall be adjudg'd by said justice necessary to pay the legal costs which said justice shall tax, and three times the price of the labor of removing the same which labor shall also be estimated by said justice.

And all highways already laid out, or hereafter to be laid out, thro' any tracts of land not incorporated shall be made passable, and kept in repair by the owner or owners of the lands through which they run, and all the proprietors, or owners of any unincorporated tract of land holding under one title, whether the same be a tract held under a grant or charter from the crown of England, made by any of the late Governors of Newhampshire, or by any deed grant or charter from the proprietors of the land purchased of John Tufton Mason Esq<sup>r</sup> or any tract of land held in common and undivided by said last mentioned proprietors,

or any tract divided and severed by them among themselves at any one time, so far, or so much thereof as may remain unincorporated, shall be considered as held to pay their proportions according to their interest of all cost of making or repairing the highways thro any part of said tract. And the court of general sessions of the peace, whenever they shall cause any new highway to be laid out through such unincorporated tract of land shall cause an advertisement thereof to be printed in one of the New-hampshire newspapers four weeks successively expressing the return or laying out of such highway and requiring the proprietors of the land to make the same passable within such reasonable time as the said Court shall therein prefix—And in case the same shall not be complied with, to the satisfaction of the court, the said court shall proceed to assess the said tract of Land at so much per acre as they may judge necessary to repair said highway thro' the same—And the treasurer of such County shall forthwith cause such tax to be advertised in manner aforesaid requiring each and every of the owners of any part of said tract to pay said tax to said treasurer in sixty days from the first publishing said advertisement, or that the same will be sold at Vendue at a certain day and place. And every owner of any part of said tract shall pay said tax for his part of said tract and take a receipt describing the land for which he pays—And the remaining part of said tract for which the said tax is not paid by the expiration of said sixty days may be sold by such treasurer or his successor at public vendue at the time and place that shall be set forth in said advertisement or so much thereof as may be necessary to pay said tax with incidental charges; and such treasurer or successor is hereby authorised to make and execute a good deed or deeds thereof allowing the same time for redemption as is by law allowed in other cases of lands sold for taxes. And the money so raised shall be applied by said Court or by a committee appointed by them for that purpose to make and repair said highways. And a similar method shall be taken from time to time by said court for keeping in repair all highways running through lands not incorporated, in case the owners of such lands shall neglect the same. And the proprietors and owners of the aforesaid unincorporated tracts of land are hereby authorised to call meetings for the purpose of voting such sums of money from time to time as they may think necessary for making and repairing said highways and chusing officers for levying and collecting the same, as fully to all intents and purposes as proprietors of common and undivided lands are by law authorised to do.

## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

## AN ACT TO PREVENT INCROACHMENTS UPON HIGHWAYS

[Passed February 27, 1786. Original Acts, vol. 10, p. 15; recorded Acts, vol. 5, p. 180. Laws, 1780 ed., p. 383; Perpetual Laws, 1789 ed., p. 58, Laws, 1792 ed., p. 285.]

Forasmuch as divers incumbrances and incroachments have been made or hereafter may be made in and upon the common roads, highways and streets heretofore laid out, (or which shall hereafter be laid out) within the several towns of this State:

For remedy whereof, Be it enacted by the Senate and House of Representatives in General Court convened That henceforth no edifice building or fence whatever shall be raised erected built or set up in, upon, or over any of the said roads highways, streets, lanes or alleys within this State or any part of any of them whereby to streighten the passage or any ways lessen the full breadth of any such roads highways streets lanes or alleys: and if any edifice building or fence whatsoever, shall be raised, erected, built or set up, or being erected shall be continued upon, in or over any such road highway, street or alley, contrary hereunto every such edifice building or fence shall be deemed and held to be a common nuisance. And the Court of general sessions of the peace within the County where such offence may be committed upon indictment and conviction of the offender are hereby impowered to order and cause such edifices buildings or fence to be taken down, demolished and removed and further to punish the offender by fine not exceeding ten pounds and costs of prosecution.

Provided nevertheless that this act shall not be intended or construed to intend the prohibiting of the setting up of any conduit, watchhouse, cage or stocks for the public use in or upon any highway or street within this State. And no person shall presume wantonly or illegally to hurt or damnify any highways causeys or bridges within this State by destroying or taking away any of the plank posts timbers or rocks thereof, or by digging any pits therein for gravel, clay, or any other cause whatever, upon the penalty aforesaid, upon being convicted as aforesaid.—But if the damage is supposed not to exceed the sum of twenty shillings any justice of the peace for the county where the offence is committed may take cognizance thereof and on conviction punish the offender by fine not exceeding forty shillings and costs with liberty to appeal to the next court of sessions of the peace for said county.

Provided, That this act shall not be construed to hinder the

setting up of any gate in or upon any highway leading through any meadow or intervale land liable to freshets as hath been customarily done.

[CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT FOR REPEALING SUNDRY LAWS OF THIS STATE RELATIVE TO HIGHWAYS.—

[Passed February 27, 1786. Original Acts, vol. 10, p. 16; recorded Acts, vol. 5, p. 182. Laws, 1780 ed., p. 383; Perpetual Laws, 1789 ed., p. 60. This act repeals all highway acts except the act of January 10, 1766 and the three acts of February 27, 1786.]

Whereas three several Laws have passed the General Court at their present session intituled “An Act for laying out highways.” —“An Act for mending & repairing the Highways in this State.” and, “An Act to prevent Encroachments upon Highways.” which same Laws supersede and render the farther continuance of the Laws heretofore in force within this State for the purposes aforesaid inconvenient—

Be it therefore Enacted by the Senate & House of Representatives in General Court convened that all the Laws heretofore in force within this State relative to Highways except an Act Intituled an Act to enable Selectmen to change highways and to apply land left for highways where it is not Suitable and to purchase land suitable for that purpose where it is wanting be and hereby are repealed

[CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO RESTORE HENRY KENNISON TO HIS RIGHT IN CERTAIN LAND IN BARNSTEAD.

[Passed February 27, 1787. Original Acts, vol. 10, p. 17; recorded Acts, vol. 5, p. 183.]

Whereas Henry Kennison of Stratham in the County of Rockingham & State aforesaid hath petitioned the General Court representing that he was the lawful Owner of the one half of a certain Lot of Land situate in Barnstead in the County of Strafford & State aforesaid the other half of which lot was the property of Daniel French of said Stratham a minor & is numbered One hundred in the second Division & drawn to the

original Right of John Wallingford Esq<sup>r</sup> that the said Henry had paid all the Taxes assessed on the whole of said Lot for several years last past—that in the year 1783 he went to said Barnstead to pay said Taxes to one John Drew Collector of Taxes for said Barnstead for the year 1782—said Drew not being at home the money was left with one of the Selectmen to pay the Taxes on said Land for the year last aforesaid whereof the said Drew had due information & told the said Selectman that he had received the Taxes on said Lot of Land of M<sup>r</sup> Odiorne that notwithstanding said payment said Drew had sold the said Kennison's Land at a Vendue for Taxes for the year 1782 wherefore he prayed that the Sale of said Land at Vendue might be vacated & he restored to his Right in said Land in as full & complete a manner as though said Sale had not been made; which representation upon a full and fair hearing being substantiated & the prayer of said Petition appearing reasonable—

Therefore Be it enacted by the Senate and house of Representatives in General Court convened that the said Sale at Vendue be & it is hereby declared to be annulled, vacated & of no effect or operation and that the said Henry Kenison his heirs and assigns be & they hereby are restored to their Right in the Lot of land aforesaid & that the said Daniel French his heirs & assigns be & they hereby are restored to their Right in the lot of Land aforesaid as fully to all intents as though said Sale had never been made any Law Usage or Custom to the contrary notwithstanding—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

### AN ACT TO RESTORE HUGH TALLANT TO HIS LAW.

[Passed February 27, 1786. Original Acts, vol. 10, p. 18; recorded Acts, vol. 5, p. 185.]

Whereas Hugh Tallant of Pelham in the county of Rockingham and State aforesaid hath petitioned the General Court representing that on the sixth day of October A D 1785 one Henry Prentice a deputy sheriff for said County brought an Execution against said Tallant in favor of one Silas Johnson for a considerable sum of money—That the said Tallant not knowing of a summons which had been left by said deputy sheriff between the boards and cieling of the said Tallants house, said Tallant did not appear at Court to answer to the suit whereon said Execution was founded and to contest said Johnsons demand which he meant to have disputed: wherefore he prayed that all further proceedings on said Execution might be stayed

and that he might be restored to his Law; which representation on a full & fair hearing thereof appearing just and the prayer of said petition reasonable:

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, that the Judgment and Execution as aforesaid obtained against the said Hugh Tallant be & they are hereby declared null & void & of no effect—that all further proceedings thereon be stayed and that the said Tallant be restored to his Law, any law usage or custom to the contrary notwithstanding.

Provided the said Tallant shall enter the said action at the adjournment of the Inferior Court of Common Pleas to be holden at Portsmouth within and for the County of Rockingham on the last tuesday of February instant, at which Court the said Tallant shall have full liberty to make any plea that he shall think proper in as ample a manner as if the aforesaid Judgment had not been obtained, & appeal from the judgment of said Court if he thinks proper

#### [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO RESTORE JOHN PICKERING JUN<sup>R</sup> TO HIS RIGHT TO CERTAIN LAND IN BARNSTEAD

[Passed February 27, 1786. Original Acts, vol. 10, p. 19; recorded Acts, vol. 5, p. 187.]

Whereas John Pickering Jun<sup>r</sup> of Newington in the County of Rockingham & State aforesaid hath petitioned the General Court representing that he was the owner of a certain Lot of Land in Barnstead in the County of Strafford & said State numbered forty five in the fourth Range of Lots in said Town containing One hundred Acres more or less & drawn to the original Right of George Walton—that the said Pickering employed one Valentine Pickering to go to said Barnstead & pay to Cap<sup>t</sup> John<sup>\*</sup> Drew the Collector, the Tax on said Lot for the year 1782—that on the Day of the Vendue & before the Sale of said Lot the money for the Taxes on said Lot for the year aforesaid together with the Costs & charges was tendered to said Drew & left upon the Table—that the said Drew refused to give said Pickering a Receipt for said money & afterward notwithstanding the said Tender the said Drew sold said Pickering's Land aforesaid at Vendue & kept the money so tendered for the Taxes—wherefore he prayed that the sale aforesaid might be vacated & that he might be restored to his right in said Land; which representation on a full & fair hearing appearing just and the prayer of said Petition reasonable—

Therefore Be it enacted by the Senate and House of Representatives in General Court convened that said Sale be & it is hereby declared to be annulled vacated & of no Effect or Operation & that the said John Pickering Jun<sup>r</sup> his heirs and assigns be & they hereby are restored to all their right in the lot of Land aforesaid as fully to all intents as though said Sale had not been made any Law Usage or Custom to the contrary notwithstanding.

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

## AN ACT TO VACATE THE PROCEEDINGS ON AN EXECUTION AGAINST JOSEPH KELLY.

[Passed February 28, 1786. Original Acts, vol. 10, p. 20; recorded Acts, vol. 5, p. 191.]

Whereas Edward Smith of Boston in the County of Suffolk and Commonwealth of Massachusetts hath petitioned the General Court representing that he at the Superior Court of Judicature holden at Amherst in and for the County of Hillsborough on the second Tuesday of October A D 1785 recovered Judgment against Joseph Kelly of Nottingham west in said County of Hillsborough for the Sum of Nine hundred pounds Damage and Twelve pounds Sixteen Shillings and eight pence Costs of Courts and caused Execution thereon to be levied in part on personal estate of said Kelly's; another part on lands & buildings shewn by the said Kelly as his Estate & the residue to be satisfied by other lands which the said Kelly undertook to convey by deed; all which lands & buildings received as aforesaid in satisfaction of said Execution, the said Kelly affirmed were free and clear of all incumbrances and had Credit accordingly on said Execution whereas in fact the said lands and buildings were at the same time so encumbered with prior levies of Executions, mortgages, Dowers, and other adverse and preferable titles that the said Smith was without hope of realizing one tenth part of the Sum so credited on said Execution; that the said Kelly had broken into a barn whereon said execution was levied and used & expended the greater part of the hay taken by said execution; & that the said Smith was in danger of losing a large Sum of money unless the General Court would interpose in his favor—wherefore he prayed that all the proceedings on said Execution might be annulled and vacated, that he might take out an alias execution on the said Judgment & cause the same to be levied on the proper estate of the said Kelly as though nothing had been done on the former execution, he giving credit

on the alias execution only for those articles of personal estate which he had actually received & which the said Kelly had not retaken or applied to his own Use which representation on a full & fair hearing being proved and the prayer of said petition appearing reasonable Therefore Be it enacted by the Senate and house of Representatives in General Court convened, that the said Levy and all the other proceedings on said Execution and all deeds and Conveyances made in Satisfaction of the said Execution be & they hereby are cancelled & made null and void and that the said Smith his Executors and Administrators be & they hereby are intituled and impowered to purchase out an alias or pluries Executions on said Judgment with power of levying the same as the law provides in other Cases as though nothing had been done on the first Execution.

Provided nevertheless that the Clerk of the Superior Court of Judicature shall first deduct from said Judgment the articles of personal estate the said Smith actually received in part of the Execution so levied which are the following, to wit,

Nine Shoats One Chesnut colored horse twelve years old two Cows an Ox Cart & Wheels two Chains, One new Saddle One Grindstone & Crank One grey horse nine years old, One chesnut colored horse five years old & three Sheep the value of which articles amounts to the Sum of Fifty Six pounds nine Shillings & three pence Lawful Money after which said Clerk is hereby directed & empowered to issue alias or pluries Executions on said Judgment as the Law directs in such Cases any Law usage or Custom to the contrary notwithstanding

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT TO ANNUL & MAKE VOID A JUDGMENT OF COURT OBTAIN'D  
AGAINST EBENEZAR TORREY BY DAVID LARNED & ABEL  
LARNED—

[Passed February 28, 1786. Original Acts, vol. 10, p. 21; recorded Acts, vol. 5, p. 193.]

Whereas Ebenezar Torrey of a place call'd Gildhall in the County of Gloucester & State of New-York hath Petition'd the General Court seting forth that an action was commenc'd against him at the Inferior Court of Common pleas, February term in the Year of our Lord one Thousand Seven Hundred & Eighty four, in the County of Grafton, by David Larned & Abel Larned—that he engag'd an Attorney to take care of said action, who suffer'd him to be Defaulted, but the action was continued for Judgment—that the parties not knowing that any



such Default had been Recorded agree'd to submit the matter to men to be by them Determin'd that the Referrees after hearing the parties and considering their several claims found a ballance Due to said Torrey—which was paid by the plaintiffs in said suit, that the action was further prosecuted at May term & Execution render'd against said Torrey the settlement notwithstanding—

Wherefore said Torrey prayed to be Restor'd to his Law and the parties having been heard thereon, the facts being proof'd & the prayer of said petition appearing Reasonable

Therefore be it enacted by the Senate and House of Representatives in General Court Conven'd; that said Torrey be restor'd to his Law & he is hereby authorized & impowred to enter said action a new, at the Inferior Court of Common Pleas to be holden at Haverhill on the first Tuesday of June next, & the Justices of said Court are hereby authorized & impowred to sustain hear & Determine the same in the usual course of Law the Judgment aforesaid notwithstanding.

## [CHAPTER 22.]

### AN ACT TO PREVENT THE KEEPING OF LARGE QUANTITIES OF GUNPOWDER IN PRIVATE HOUSES IN PORTSMOUTH & FOR APPOINTING A KEEPER OF THE MAGAZINE BELONGING TO SAID TOWN.

[Passed February 28, 1786. Original Acts, vol. 10, p. 22; recorded Acts, vol. 5, p. 195. Laws, 1780 ed., p. 383; Perpetual Laws, 1789 ed., p. 184.]

Whereas the keeping of large quantities of Gunpowder in private houses in Portsmouth aforesaid or in merchant Ships or Vessels lying at the Wharves in said Town would greatly endanger the lives and properties of the inhabitants thereof in Case of Fire; which danger might be prevented by obliging the Owners of such powder to deposit the same in the Magazine provided by said Town for that purpose

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that if any person or persons shall keep in any dwelling house store or other building or land within the limits of said Portsmouth except the Magazine aforesaid more than ten pounds of Gunpowder at any one time which ten pounds shall be kept in a tin Cannister properly secured for that purpose such person or persons shall forfeit the powder so kept to the firewards of said Portsmouth to be laid out by them in purchasing such Utensils as they may judge proper for the extinguishing of Fire & the said Firewards are hereby directed and empowered to seize and cause the same to be

condemned in any Court of Law of Record proper to hear and try the same to be disposed of for the purpose aforesaid And the Offender shall also forfeit and pay a fine for the use of the poor of said Portsmouth equal to the Value of the powder so kept in any Store dwelling house or building which fine shall be sued for and recovered by the Overseers of the poor of said Portsmouth for the use of said poor in any Court of Law proper to try the same.

And be it further enacted by the Authority aforesaid that every master of any merchant Ship or Vessel bringing Gunpowder into said Portsmouth shall within the space of Forty eight hours after his arrival deposit in said Magazine all the Gunpowder by him so brought as aforesaid and if he shall neglect so to do he shall pay a fine of Thirty pounds for the Use of the poor of said Portsmouth to be recovered by said Overseers in manner aforesaid.

And be it further enacted that there shall be chosen annually or oftener if necessity require by the inhabitants of said Portsmouth being legal Voters, a keeper of said Magazine whose duty it shall be to receive into and deliver out of said Magazine all the powder so deposited and to account therefor, who shall have a right to demand and receive for his time and trouble in attending on said Business at the Rate of one shilling per hundred weight for all quantities of powder above ten pounds that he shall so receive into and deliver out of said Magazine & for all quantities under ten pounds at the rate of a half-penny per pound.

### [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO DISCOUNT AN EXECUTION OF ISRAEL MOREY AGAINST THE PROPRIETORS OF PIERMONT.

[Passed February 28, 1786. Original Acts, vol. 10, p. 23; recorded Acts, vol. 5, p. 197.]

Whereas Jonathan Moulton Esq; one of the said proprietors hath petitioned the General Court representing that Israel Morey late of Orford in the State aforesaid Esq<sup>re</sup> but now of Fairlee in the State of Vermont so called had recovered Judgment and taken out Execution against the said proprietors & had caused the said Execution to be served on the said Moulton & urged him for the payment thereof when at the time of the said Service the said Moulton had an Execution against the said Morey for a larger Sum than would satisfy the said Execution against the proprietors but that he could not have the same

satisfied by reason that said Morey concealed himself and his effects so that neither could be come at to have said Moulton's Execution levied thereon; wherefore he prayed that the Sheriff holding the Execution against said proprietors might be directed to discharge the same by endorsing so much thereon as said Execution amounted to; which Representation being substantiated and the prayer of said Petition appearing reasonable. Therefore Be it enacted by the Senate and house of Representatives in General Court convened, that the Sheriff of the County of Rockingham be and hereby is empowered and directed to discharge & satisfy the said Morey's Execution against said proprietors by endorsing thereon so much of said Moulton's Execution against said Morey as shall amount to said Execution against said proprietors & the cost of service particularly specifying how said Morey's Execution against the said Proprietors is satisfied and the said Sheriff shall endorse on said Moultons Execution aforesaid the amount of the Sum so endorsed on said Moreys Execution and the Clerk of the Court whence said Moulton's execution aforesaid issued is hereby enabled to grant an alias or pluries executions for the Balance accordingly.

## [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

AN ACT TO RESTORE TO JOHN FISHER ESQ<sup>RE</sup> HIS PROPERTY  
 WITHIN THIS STATE.

[Passed February 28, 1786. Original Acts, vol. 10, p. 24; recorded Acts, vol. 5, p. 199.]

Whereas John Peirce of Portsmouth in said State Attorney to John Fisher late of said Portsmouth Esq<sup>r</sup> now residing in Great-Britain hath petitioned the General Court representing that said Fisher in the year 1775 went to Great-Britain leaving a considerable Estate within this State—that during the Course of the War between the United States and Great-Britain said Fisher by a general Law of the State was proscribed & his Estate sequestered for no other reason than his returning to his native Country to attend to his private Concerns there being no express Law nor even any Act by implication against his leaving this State—that no part of said estate had been ever confiscated and that the Treaty of peace guarantied the restoration of said Fishers Estate wherefore the said Peirce prayed that the said estate might be completely restored to the said Fisher & that he might be enabled to dispose of the same in such way and manner as he may think most

convenient. Which representation being substantiated and the prayer of said petition appearing reasonable. Therefore Be it enacted by the Senate & House of Representatives in General Court convened that the Act intituled "an Act To prevent the Transfer or Conveyance of the Estates and property of all such persons who have been or shall be apprehended upon Suspicion of being guilty of Treason Misprision of Treason or other inimical practices respecting this State, the United States, any or either of them, and also for securing all lands within this State, as well of such persons as have traiterously deserted, or may hereafter desert the Common Cause of America, and have gone over to, or in any Way or Manner joined our Enemies, as of those who belong to, or reside in Great Britain." and also the proscribing and sequestration Acts and all other Acts and Laws of this State so far only as they respect the Estate of the said John Fisher be and they hereby are repealed & that the said Fisher his heirs Executors and Administrators his and their Attorney or Attornies be & they hereby are enabled and impowered to transfer convey and dispose of said Fisher's Estate aforesaid and to act and transact any other matter or Thing respecting the same as fully to all intents as though the said Acts had never been made any Law Usage or Custom to the contrary notwithstanding—

Provided nevertheless that the said Fisher his heirs Executors administrators, Attorney or Attorneys shall not be hereby empowered to call to account or support any Action in any manner or way whatever against any Agents, Selectmen or other person or persons who have acted by or under the Authority of this State for any thing done or transacted by them with or concerning the Estate of the said Fisher since his departure as aforesaid.

#### [CHAPTER 25.]

*State of  
New Hampshire.* ]

#### AN ACT TO RESTORE JOHN YOUNG TO HIS LAW

[Passed February 28, 1786. Original Acts, vol. 10, p. 25; recorded Acts, vol. 5, p. 201.]

Whereas John Young of Concord alias Gunthwaite in the County of Grafton and State aforesaid Esq<sup>r</sup> hath Petitioned the General Court setting forth that he had two actions commenc'd against him at the Inferior Court of Common pleas holden at Haverhill August Term 1784—one by Daniel Cross & the other by Jonathan Hale—which actions were continued to February term then next, at which time Judgments was render'd against

him the said John Young for about one Hundred pounds, from which Judgments he Requested an appeal to the then next Superior Court, which Request was Denied him by said Inferior Court—Wherefore the said Young prayed to be Restored to his Law—and the parties having been fully heard thereon, the facts being prov'd and the prayer of said petition appearing reasonable. Therefore be it enacted by the Senate & House of Representatives in General Court Conven'd, that said Young may enter said actions at the Superior Court of Judicature next to be holden at Plymouth within and for said County of Grafton on the fourth Tuesday of May next, and the Justices of said Court, are hereby authorized & impowred to sustain, hear, & Determine said actions at said Court, in the same manner as tho they had been appeal'd up to said Court in the usual course of Law—and that said Young have liberty of making any Pleas to said actions at said Court as he shall judge best—and be it further enacted that in case any Execution or Executions have been Issued in consequence of the Judgments of the Inferior Court aforesaid, such Execution or Executions is annul'd and made void, provided the said actions shall be enter'd & prosecuted at said Superior Court—and on said Youngs failing to enter said actions at said Superior Court said Executions & all proceedings thereon shall be Esteem'd good & valid in law & may be Return'd to the Next Inferior Court of Common pleas to be holden at Haverhill in & for said County of Grafton on the first Tuesday of June next in the same manner as they might or ought to have been at the Inferior Court of Common pleas in said County now next insuing, had this act not been made—any Law usage or custom to the contrary notwithstanding—and be it further enacted that the sheriffs fees for serving said Executions shall be paid by the Plaintiffs in said actions, & in case said plaintiffs shall recover against said Young at said Superior Court said Plaintiffs may tax the same in their bill

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR GRANTING A LOTTERY, TO FINISH A BRIDGE OVER BAKERS RIVER, SO CALLED, IN PLYMOUTH

[Passed February 28, 1786. Original Acts, vol. 10, p. 26; recorded Acts, vol. 5, p. 204.]

Whereas sundry citizens of this State have petitioned the privilege of a Lottery, for the purpose of finishing a bridge, already begun, over Bakers River in Plymouth

Be it enacted by the Senate & House of Representatives in

General Court convened, that the persons herein after named be & hereby are permitted, authorized & impowered to set up & carry on a public lottery, for the purpose aforesaid, in as many Classes or Drafts as they shall Judge proper & thereby to raise a sum not exceeding two hundred pounds lawful money, without any expence to the State—And that Samuel Emerson Esq<sup>r</sup> of Plymouth Maj<sup>r</sup> Alexander Craige of Rumney & M<sup>r</sup> Stephen Wells of Plymouth or the major part of them are appointed managers of said lottery, & shall be under Oath, for the faithful discharge of their said trust—& shall duly pay all prize tickets, according to the tenor thereof & the scheme of said lottery, & shall refund any sum or sums of money which shall be paid for tickets in any class of said lottery in case such class shall not be drawn & finished within the space of two years from the passing of this act

And said managers are hereby directed to pay the money which they shall so raise to the Selectmen of said Plymouth for the time being, & said Selectmen shall appropriate the same for the purpose aforesaid, & shall allow & pay the said managers, their reasonable demand for time and expences for transacting said business—

And the Court of General Sessions of the peace, in the County of Grafton are hereby impowered, to determine in what sum said managers shall be bound, to the treasurer of said County, for the faithful performance of their said trust, & they shall Give bonds accordingly & shall, be accountable to said Court for their Conduct, & exhibit & settle all of their said Accounts & proceedings to the satisfaction & acceptance of said Court, who are hereby, authorized to adjust & finally settle the same & give said managers a full discharge

#### [CHAPTER 27.]

AN ACT TO REGULATE THE REPAIR OF THE BRIDGE, OVER EXETER RIVER, FROM STRATHAM TO NEWMARKETT; AND DIRECTING THE MANNER IN WHICH THE SAME SHALL BE REPAIRED IN FUTURE.—

[Passed February 28, 1786. Original Acts, vol. 10, p. 27; recorded Acts, vol. 5, p. 206.]

Whereas it appears, upon the hearing of a Petition to remove said Bridge further up said River to the New-Fields; that the Place where it now is, would best accomodate the Public. And whereas large sums have been subscribed towards supporting and maintaining the same: And that the very great utility, of said Bridge will always be likely to procure such further Sums as may hereafter be wanted for that purpose; in case the same is properly and prudently applied.—Therefore

Be it enacted by the Senate and house of Representatives, in general Court convened; that out of such Sums as are or may be subscribed or given as aforesaid Cap<sup>t</sup> Reuben Hill of Lee, shall cause said Bridge to be compleatly repaired, on or before the first day of August next, and keep the same in such good Repair for the Term of Ten years, which he has already engaged to do by his Bond to the Treasurer of this State in the penal Sum of Three thousand pounds, in such manner as a Committe to be from Time to Time appointed by the general Court shall judge, and determine best to accomodate both Land and Water Carriage. And the Remainder of such Subscriptions, and Donations, as have or may be given as aforesaid, shall be by the said Cap<sup>t</sup> Ruben Hill vested in the Public Funds of this State, to be drawn out and applied from Time to Time (after the expiration of said Ten Years) for support of said Bridge, as the Court of general Sessions of the Peace for the County of Rockingham may order to which Court all Accounts of Receipts and Disbursements shall be rendered for Examination and Adjustment.—

And be it further enacted, That in Case it should ever happen, after the Expiration of said Ten Years, that by reason of any extraordinary Casualty, or otherways, that the said Fund and future Subscriptions, should prove insufficient to keep said Bridge in good Repair, to the Satisfaction of such Committe, that upon application to the general Court, the said Bridge may then be removed, to such place, as may then be thought best for the Interest of the State.—

And be it further enacted, That the Selectmen of the Towns of Durham, Newmarket and Stratham for the Time being, or the Major part of the Selectmen of each of said Towns, be and hereby are appointed to take care of said Bridge; and keep the same in good Order for passing and hoisting: and it shall be the Duty of such selectmen to prosecute any person or persons who may witingly and willingly destroy or damage said Bridge or any part thereof.

## [CHAPTER 28.]

*State of  
New Hampshire.* }

### AN ACT TO FACILITATE THE PAYMENT OF OUTSTANDING TAXES—

[Passed February 28, 1786. Original Acts, vol. 10, p. 28; recorded Acts, vol. 5, p. 208. Laws, 1780 ed., p. 385.]

Whereas the outstanding Taxes due from the good Subjects of this State payable in facilities would be rendered less burthensome if the number of the Facilities were increased.

Therefore be it enacted by the Senate and House of Representatives in general Court convened That for all outstanding Taxes payable in Interest Certificates or other Facilities, The several Constables and Collectors within this State be and hereby are directed to receive in payment of such Taxes final settlement securities issued from the Paymasters Office and other Certificates and Securities of the liquidated debt of the United States excepting only Loan Office Certificates at the following Rates viz at three for one until the first day of August next, at four for one between the said first day of August and the first day of October next, and at five for one, between the said first day of October and the fifteenth day of December next—And be it further Enacted that the Treasurer of this State is hereby directed to receive from the several Constables and Collectors the aforesaid securities at the before mentioned Rates Provided the same are paid into the Treasury within Fifteen days after the respective days of payment before Specified.—

## [CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT FOR SUPPLYING THE TREASURY OF THIS STATE WITH TEN THOUSAND FIVE HUNDRED POUNDS FOR THE PURPOSE OF DISCHARGING THE SPECIE PART, OF A REQUISITION OF CONGRESS OF THE 27<sup>TH</sup> OF SEPTEMBER LAST SAID TO BE THIS STATE<sup>S</sup> QUOTA OF THE INTEREST OF THE FOREIGN DEBT OF THE UNITED STATES

[Passed February 28, 1786. Original Acts, vol. 10, p. 29; recorded Acts, vol. 5, p. 209. Laws, 1789 ed., p. 386. See act of June 27, 1786.]

Whereas Congress by their aforesaid requisition have requested from this State one hundred & five Thousand Dollars for discharging that part of the Interest due on the foreign and domestic Debt, assigned by Congress to this State to be paid one third part in Specie and the other Two Thirds in facilities which sum though far Exceeding the Just Quota of this State ought to be raised to prevent a breach of public faith in full confidence that when Congress are furnished with proper materials to Ascertain the Quota of Each state Credit will be given for the Sums which this state has or may pay more than its just proportion of the public Debt. And whereas proper measures have been taken for discharging this States Quota of the Interest of the Domestic Debt of the united States and the Specie part, of the sum mentioned in said requisition only remains unprovided for



Therefore be it Enacted by the senate and House of Representatives in general Court Convened That the sum of Ten thousand five hundred pounds lawful money be and hereby is granted for the purpose aforesaid to be paid into the Treasury of this State in specie at or before the first Day of May next, which sum shall be assessed and Levied on the polls & rateable Estates within this State agreeably to the last proportion of taxes for the several Towns & places in this State and the Treasurer is hereby directed & required forthwith to issue his warrants for collecting and paying the same into the Treasury at or before the said first Day of May next And be it further Enacted that the Selectmen & assessors of the several Towns & places within this State are hereby directed to assess the rateable polls and Estates within their respective Towns & places their proportion of said sum & cause the same to be paid into the Treasury on or before the first Day of May aforesaid.

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

## AN ACT TO RESTORE TO BENJAMIN CUMINGS HIS SHARE IN THE REAL ESTATE OF HIS LATE FATHER.

[Passed March 1, 1786. Original Acts, vol. 10, p. 30; recorded Acts, vol. 5, p. 211.]

Whereas Oliver Lawrence Benjamin Cumings & others have petitioned the General Court & represented that the Judge of Probates for the County of Hillsborough in said State in the year 1774 decreed two thirds of the real Estate of Samuel Cumings late of Holles in said County Esq; deceased intestate to be settled on Samuel Cumings the eldest Son of said intestate described as set forth in the return of the Commissioners appointed and sworn for the appraisal thereof ordering the said eldest Son to pay to the said Benjamin Cumings the youngest Son of said intestate the Sum of Fifty nine pounds five Shillings and two pence—in Satisfaction of his Share in the real estate of his father—That Samuel Cumings, Oliver Lawrence, David Wright Stephen Ames as Guardian of said Benjamin Cumings Joshua Atherton & John Wilkins signed one Bond to the Judge of Probates aforesaid for the performance of the Decree he had made touching said Settlement and also that the other heirs of said Estate should refund and pay back their ratable parts of the demands which might be brought against the said Estate—That said Lawrence & Wright whose wives were two of the heirs of said intestate and said Ames who was only Guardian of said Benjamin Cumings

meant to bind themselves only to refund and pay back ratable parts of the debts aforesaid in behalf of their wives and said ward but now find themselves bound to pay also the very sums decreed to be paid to the wives of said Lawrence and Wright and Benjamin Cumings the Ward—That said Samuel Cumings afterwards absconded & absented himself from this State & joined the Enemies thereof, leaving the sum decreed to be paid by him to said Benjamin Cumings entirely unpaid—That said absentee's estate was confiscated to the use of this State & all of said Bondsmen except Joshua Atherton Esq<sup>re</sup> sued on said Bond and must be compelled to pay the Sum so decreed said Benjamin as aforesaid unless prevented by the interposition of the Legislature. Wherefore they prayed an hearing on the premises and redress of said Grievance and after a full and fair hearing & consideration of the peculiar circumstances of the Case it appears highly reasonable that said Grievance should be redressed—Therefore—Be it enacted by the Senate and House of Representatives in General Court convened that the part or Share which belonged to the said Benjamin Cumings in 'the real estate of his said Father at his decease be and hereby is restored to the said Benjamin Cumings & the Fee thereof re-invested in him his heirs and assigns the decree of said Judge of probate & the Confiscation aforesaid notwithstanding and that the Judge of Probate for said County of Hillsborough for the Time being may & shall order the same share to be set off to the said Benjamin Cumings in the same manner as the Law directs for the distribution and division of estates of intestates, which share being so set off returned and recorded in the probate Office shall be a good severance of the said Benjamin Cumings his part in his said Father's real estate and that the said Benjamin Cumings his heirs and assigns thenceforth hold the same in severalty accordingly any Law Usage or Custom to the contrary notwithstanding.

## [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN THOMAS BURNSIDE HIS HEIRS AND ASSIGNS.—

[Passed March 1, 1786. Original Acts, vol. 10, p. 31; recorded Acts, vol. 5, p. 214.]

Whereas a petition has been preferd to the General Court by Jeremiah Eames & others Representing that a Ferry is wanted at a certain place over Connecticut River near the River Amma-noosuck, that said Ferry wou'd be of great use to the Settlers in

that neighbourhood & of public Utility, That Thomas Burnside of Northumberland is willing to provide Suitable Boats for Transporting Horses, Teams and Travellers a cross the said River Connecticut & the River Ammanoosuc, And Praying that the exclusive Priviledge of keeping a Ferry over said Rivers to begin at the Ferry Bound of Edwards Bucknam Esq<sup>r</sup> being One Mile above the Great Falls at Northumberland to extending up on the River Connecticut taking in the Mouth of Ammanoosuc River and One Mile up the Same—which Representation appearing true & the prayer of the Petition Reasonable

Be it Therefore Enacted by the Senate and House of Representatives in General Court conven'd That the Sole & exclusive Priviledge of keeping a Ferry over said Rivers begining at the Ferry bound of Edwards Bucknam Esq<sup>r</sup> One Mile above the great Falls at Northumberland to extend Four Miles up the River Connecticut taking in the Mouth of said Ammanoosuc River and One Mile up the Same be and hereby is granted to and vested in the said Thomas Burnside his heirs & assigns he and they from time to time as the case may be, giving Bond with Surety in the Sum of One Thousand Pounds to the Clerk of the Court of General Sessions of the Peace for the County of Grafton that the said Ferry shall be constantly attended & well kept

And be it further enacted by the Authority aforesaid, that if any other Person or Persons shall for hire or reward transport over said Rivers within the aforementioned limits any Person, Creature or Thing, Such Person so transporting shall Forfeit and Pay to the said Thomas Burnside, his heirs or Assigns, the Sum of Forty Shillings for each Person, Creature or Thing so transported, to be recoverd by Action of Debt before any Justice of the Peace within the said County.—

## [CHAPTER 32.]

*State of  
New Hampshire.* }

### AN ACT TO TAX THE LANDS IN BARRINGTON FOR REPAIRING HIGHWAYS THEREIN.

[Passed March 2, 1786. Original Acts, vol. 10, p. 32; recorded Acts, vol. 5, p. 215.]

Whereas Joshua Foss Jun<sup>r</sup> Esq; in behalf of the Inhabitants of Barrington in the County of Strafford and State aforesaid hath petitioned the General Court and represented that said Inhabitants were unable to bear the burden of repairing the many Highways and Bridges in said Town which was very large and the Highways thereof very bad—That a considerable part of the lands in said Town was owned by non-Residents

which ought to be taxed toward making and repairing said Highways & Bridges wherefore he prayed that the Selectmen of Barrington aforesaid or the Proprietors thereof might be enabled to tax the lands in said Town belonging to the non Residents thereof in the same proportion as they are taxed to the State; the said tax to be continued for four years and appropriated to the purpose aforesaid the prayer of which said petition after a full hearing appearing reasonable, therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the Selectmen of Barrington aforesaid for the time being be and they hereby are directed & empowered to assess annually for the Space of four years from the passing of this Act and no longer for the making and repairing of said Highways and Bridges all the lands in said Town belonging to non resident proprietors not exceeding one penny per Acre on land of the best quality & in that proportion for lands of an inferior quality and shall appoint a Collector or Collectors of said Taxes by Warrant in due form of Law therein requiring him or them to levy & collect said taxes in the same manner as the Law directs Constables and Collectors of Taxes assessed on the Lands of non resident proprietors for the State Tax and to pay the same in the Manner directed in said Warrant. And the said Collectors are hereby empowered and directed to proceed in the Collection of said Taxes in the same manner as the Law directs for constables and Collectors of Taxes assessed on the lands of Non Resident proprietors for the State-Tax which Taxes so raised & collected shall be appropriated and applied to the Uses aforesaid by said Selectmen who shall be accountable to said proprietors for the application of the monies so raised according to the design of this Act.—

And Be it further enacted by the authority aforesaid that any non Resident proprietor shall have liberty to work out his said Taxes or any part thereof on said highways & Bridges any time before the advertisement for the Sale of said Land and that a day's work shall be computed eight hours & for every such days-work there shall be allowed three Shillings

Provided nevertheless that the said Selectmen shall not assess the said non Residents lands, unless the said Selectmen shall at the same time assess the unimproved lands of Residents in said Town, at least as much  $\frac{7}{8}$  acre for the purpose aforesaid.

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY  
 OVER A CERTAIN PART OF CONNECTICUT RIVER IN MOSES  
 CHASE HIS HEIRS & ASSIGNS

[Passed March 2, 1786. Original Acts, vol. 10, p. 33; recorded Acts, vol. 5, p. 189.]

Whereas Moses Chase of Cornish in the County of Cheshire and said State Esq; hath petitioned the General Court representing that the said Chase had some time kept a ferry over said River between the said Town of Cornish & the Town of Windsor in the State of Vermont (so called) but had never obtained a grant therefor, wherefore he prayed that the sole & exclusive Right of carrying passengers over said River may be vested in him his heirs & assigns forever from the North line of said Windsor five miles down the said River & upon a full & fair hearing it appears reasonable that a ferry should be kept over that part of said River—therefore

Be it enacted by the Senate and house of Representatives in General Court convened that the sole and exclusive right & privilege of keeping a Ferry over said River in any place from the northwesterly Corner of Cornish down to the Southwesterly Corner of the Governor's Farm (so called) in said Cornish be & hereby are granted to & vested in him the said Moses Chase his heirs & assigns he & they from time to time as the Case may happen giving Bond with sufficient Surety in the Sum of one thousand Pounds to the Clerk of the Court of general Sessions of the peace for the County of Cheshire that the said Ferry shall be constantly attended & well kept—

And Be it further enacted, That if any person or persons shall for Hire or Reward transport over said River in any part thereof from the northwesterly corner of Cornish aforesaid, down to the said Southwesterly Corner of the Governor's Farm any person creature or thing such person so transporting shall forfeit & pay to the said Moses Chase his heirs or assigns, the Sum of forty Shillings for each person, Creature & Thing so transported, to be recovered by action of debt before any justice of the peace within the said County.

## [CHAPTER 34.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVELEDGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN MICAH REED HIS HEIRS & ASSIGNS.

[Passed March 2, 1786. Original Acts, vol. 10, p. 34; recorded Acts, vol. 5, p. 218.]

Whereas Micah Reed of Westmorland in the county of Cheshire and State of New Hampshire yeoman hath petitioned the General Court representing that the said Reed had sometime kept a ferry over said River between the said town of Westmorland & the town of Putney in the State of Vermont (so called) but had never obtained a Grant therefor, Wherefore he prayed that the sole & exclusive right of carrying passengers over said River may be vested in him his heirs & assigns forever from against the dwelling-house of said Reed two miles down said river, & sixty rods from against said House up said River—And upon a full and fair hearing, it appears reasonable that a Ferry should be kept over that part of said River—Therefore,

Be it enacted by the Senate & House of Representatives in General Court convened that the sole & exclusive right & privilege of keeping a Ferry over said River in any place from against the Dwelling house of said Reed in Westmorland two miles down said River, & from against said Reeds house sixty rods up said River be & hereby are granted to & vested in him the said Micah Reed his Heirs and Assigns forever, he and they from time to time, as the case may happen, giving bond with sufficient surety in the sum of One Thousand pounds to the Clerk of the Court of General Sessions of the peace for the County of Cheshire that the said Ferry shall be constantly attended and well kept—

And be it further Enacted, That if any other person or persons shall for hire or reward transport over said river in any part thereof from against said Reeds dwelling house in Westmorland two miles down said river & from against said dwelling house sixty rods up said river any person, creature or thing, such person so transporting shall forfeit and pay to the said Micah Reed his Heirs or Assigns the sum of Forty shillings for each person, creature and thing so transported to be recovered by Action of Debt before any Justice of the peace within the said County

## [CHAPTER 35.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE PARISHIONERS OF THE EPISCOPAL CHURCH OF QUEENS CHAPEL IN PORTSMOUTH TO LEVY AND ASSESS THE PAROCHIAL TAXES ON THE PEWS IN SAID CHAPEL AS WELL AS ON THE POLLS AND ESTATE OF SAID PARISHIONERS AND TO DIRECT THE MODE OF COLLECTING THE SAME

[Passed March 2, 1786. Original Acts, vol. 10, p. 35; recorded Acts, vol. 5, p. 161.]

Whereas it hath been represented that the Practice of the Parishioners of said Chapel hath been to tax a certain sum as the Church Wardens might think necessary to defray the Expence of supporting the Ministry, Repairs on the Church and for other Parish Charges, and to levy the same on the pews in said Chapel and on the Polls of the Parishioners; that many of the Parishioners are in arrears for said Taxes and the Parish in debt, chiefly for Repairs on the Church and the Wardens of said Parish agreeable to a vote of the Parishioners, have petitioned the General Court praying that the Church Wardens for the time being, may be impowered to make Sale of the pews in said Chapel for the Taxes due thereon, and any future delinquency of payment of Parochial taxes, and for the payment of the Poll tax of the owners of Pews; and other Parishioners not owners of pews in said Chapel, and also to distrain on their other Estate for non payment of said Taxes which appearing reasonable—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened that it shall and may be lawful for the Church Wardens of said Chapel for the time being to make sale of the pews in said Chapel of any owners who are delinquent in paying their taxes at Publick Vendue returning the overplus if any there be to the owner or owners; which Owner or owners if they reside in the town of Portsmouth shall be first notified either personally or by a notification posted in some place of publick Resort in said Town, of the time and place of the sale of their pew or pews, one month before said Sale; But if said delinquent owner or owners should reside out of said Town, or State that the time and place of the sale of said Pew or Pews and the sum for which they are to be sold, shall be advertised three weeks successively in one of the Newhampshire Papers.— And also that the Church Wardens for the time being shall & may hereafter make such Tax or Taxes on the pews in said Chapel, and on the Polls of the Parishioners of said Chapel, in the usual manner as heretofore practiced, or in such manner as the Parishioners shall determine, and the pews and Polls of

said Parishioners shall be liable for payment of the same, And the pews of the delinquent owner or owners may be sold for the tax or taxes that shall be due after notice being given in manner aforesaid, and the overplus if any remain in the hands of the Church Wardens for the time being, to be paid to the right owner or owners when demanded. And that the Collector or Collectors of said Parish Taxes shall and may distrain on the other parishioners for their parish Tax or Taxes in the usual way, that other Taxes are lawfully distrained for and collected—

## CHAPTER 36.]

*State of  
New Hampshire.* }

AN ACT FOR ALTERING THE TIME OF HOLDING THE INFERIOR COURT OF COMMON PLEAS, HOLDEN BY LAW ON THE FIRST TUESDAY OF JUNE ANNUALLY AT PORTSMOUTH IN AND FOR THE COUNTY OF ROCKINGHAM—

[Passed March 3, 1786. Original Acts, vol. 10, p. 36; recorded Acts, vol. 5, p. 220. Laws, 1780 ed., p. 387; Perpetual Laws, 1789 ed., p. 42. Repealed June 20, 1792.]

Whereas the time appointed by Law for holding said Inferior Court, has been found to be very inconvenient for that purpose

Therefore be it Enacted by the Senate and House of Representatives in General Court convened and by the Authority of the same that the said Inferior Court of Common pleas holden by Law, at Portsmouth in and for the County of Rockingham on the first Tuesday of June Annually, shall forever hereafter be holden at Portsmouth on the fourth Tuesday of May Annually any Law usage or custom to the contrary in any wise Notwithstanding—

And be it further Enacted That all Writs, Executions, Recognizances, Appeals, Actions and process of every kind, returnable to, or Sustainable at said Inferior Court holden by Law on said first Tuesday of June next, shall be returned to, and sustained by said Court on the fourth Tuesday of May next



## [CHAPTER 37.]

*State of  
New Hampshire.* }

AN ACT TO AMEND AND RELIEVE AGAINST A MISTAKE MADE IN  
THE LEVY OF AN EXECUTION IN FAVOUR OF JONATHAN WARNER  
ESQUIRE AGAINST WILLIAM REEVE AND OTHERS.

[Passed March 3, 1786. Original Acts, vol. 10, p. 37; recorded Acts, vol. 5, p. 221.]

Whereas Jonathan Warner of Portsmouth in the County of Rockingham Esq<sup>r</sup> hath petitioned the General Court of this State representing that he recovered a Judgment at the last Superior Court of Judicature holden at Exeter within and for said County against William Reeve Andrew Reeve, and Jeremiah Hill all of Bristol in the Kingdom of Great Britain Merchants for the sum of two thousand seven hundred and seventy one pounds seventeen shillings and eleven pence debt or damage and cost of suit taxed at fifteen pounds five shillings and four pence, and caused his execution to be levied on a dwelling house and Lot of Land thereto belonging in Portsmouth aforesaid which was mortgaged to the said William Reeve as surviving partner of the late company of Devonshire and Reeve, for the payment of three hundred and ten pounds sterling with Interest by James Stilson of New Durham in the County of Strafford by his deed dated the sixteenth day of September Anno Domini One thousand seven hundred and seventy three, the amount of which mortgage at the time of the Levy of said execution was seven hundred and eleven pounds thirteen shillings and four pence lawful money, which sum was all said Petitioner could get by said Levy; but that the Appraisers by some inattention appraised and set off said estate at one thousand Pounds lawful money, so that he must lose the difference between these two last mentioned sums, unless aided by the Legislature, praying for relief, and it appearing reasonable that the same be granted.

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that said Execution be considered as satisfied by said Levy thereof for the sum of Six hundred and ninety nine pounds ten shillings and nine pence Lawful money only being the sum due from said Stilson to said Reeve on said mortgage at the time of the levy aforesaid, after deducting therefrom the sum of Five pounds four shillings and seven pence Sterling, and the Interest on the same, said mortgage having been taken for that sum more than was due from said Stilson to said Reeve. And that the Clerk of the said Superior Court may and shall deduct said sum of Six hundred and ninety nine pounds ten shillings and nine pence from said

judgment, and any alias execution shall be conformed to that sum as paid, said Appraisement notwithstanding.

And be it further enacted that said Stilson shall have full liberty to avail himself of the Equity of Redemption of said House and Lot of Land, at any and all times within one year from and after the passing of this Act, and nothing herein contained shall be construed to preclude him from any action suit or remedy he might have had, or may now be entitled to, on account of any proceedings had on the execution aforesaid.

[CHAPTER 38.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUTT RIVER IN SOLOMON ROBBINS HIS HEIRS AND ASSIGNS—

[Passed March 3, 1786. Original Acts, vol. 10, 38; recorded Acts, vol. 5, p. 224.]

Whereas a petition has been preferr'd to the Gen<sup>l</sup> Court by Solomon Robbins of Westmoreland praying that the sole and exclusive right of keeping a ferry across Connecticut River from said Westmoreland to Putney against his dwelling house in said Westmoreland, extending one mile down and one mile and a half up said River from said dwelling house, might be vested in him, his heirs and Assigns—which petition having been heard, and no Objection made, and it appearing that said Ferry will be of public utility—Therefore

Be it Enacted, by the Senate and House of Representatives in General Court conven'd that the sole and exclusive privilege of keeping a Ferry over said River; beginning at the distance of one mile down said River from said dwelling house and to Extend Two miles and a half up said River be and hereby is granted to, and vested in the said Solomon Robbins his heirs and Assigns he and they from time to time as the case may be, giving Bond with surety in the sum of One thousand pounds to the Clerk of the General Sessions of the peace for the County of Cheshire that the said Ferry shall be constantly attended & well kept—

And be it further Enacted, by the authority aforesaid, that if any Other person or persons shall fore hire or reward transport over said river within the forementioned limits any person creature or thing, such person so transporting shall forfeit and pay to the said Solomon Robbins his heirs and Assigns the sum of Forty shillings for each person creature and thing so transported to be recovered by action of Debt before any Justice of the peace within said County—

## [CHAPTER 39.]

*State of  
New Hampshire.* }

AN ACT FOR RAISING THE SUM OF TEN THOUSAND POUNDS, FOR  
THE USE OF SAID STATE THE PRESENT YEAR

[Passed March 4, 1786. Original Acts, vol. 10, p. 39; recorded Acts, vol. 5, p. 225. Laws, 1780 ed., p. 388.]

Whereas it is necessary that a sum should be raised to discharge the Interest of the public Securities of the State, and pay the charges of Government the current year,

Be it enacted by the Senate and House of Representatives in General Court convened, that there be and hereby is granted for the current year the sum of Ten thousand pounds, which sum shall be paid into the Treasury of this State, and appropriated to the following purposes viz seven thousand pounds, for the payment of the Interest, on public Securities of this State, and the residue thereof, for defraying the charges of Government the current year; which last mentioned sum being Three Thousand Pounds shall be collected and paid in specie, And the Treasurer is hereby required to issue his warrants to the Select men or Assessors of the several Towns, Parishes, and Districts within this State, according to the last proportion Act for assessing and collecting the said sum of Ten Thousand Pounds, and the Selectmen and Assessors are hereby respectively required, to assess and levy the same according to Law, and cause the same to be paid into the Treasury of this State, the one half of said sums respectively on or before the first day of September next, and the other half on or before the first day of March One thousand seven hundred and eighty seven.

And the said Assessments shall be made according to each persons poll and ratable estate, which he shall have and be possessed of on the first day of April next, and certificates for Interest drawn by the Treasurer of this State, certificates issued by the Loan Officer, and orders drawn by the President on the Treasurer shall be received in payment of the aforesaid sum of Seven Thousand Pounds as well by Collectors, as by the Treasurer aforesaid.

## [CHAPTER 40.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH CERTAIN IMPOST DUTIES ON VARIOUS  
FOREIGN ARTICLES IMPORTED INTO THIS STATE.

[Passed March 4, 1786. Original Acts, vol. 10, p. 40; recorded Acts, vol. 5, p. 227. Laws, 1780 ed., p. 389; Perpetual Laws, 1789 ed., p. 152. See additional acts of June 27, 1787 and June 13, 1788.]

Whereas the laying Duties on Articles of the produce and manufactures of Foreign Countries will not only produce a considerable revenue to the State, but will tend to encourage the manufacturing many of those Articles in the same:

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that from and after the first day of May next, there shall be an Impost Duty of fifteen per Centum ad valorem upon all Jewels, wrought Gold and Silver, Brocades, or Cloth of Gold or Silver, gold and silver Lace, silk Stockings, silk Stuffs, silk, thread, and woolen Gloves, Shoes and Boots, Buckles pewter spoons, Silk, hair, and Basket buttons, beaver, felt, and castor Hats, saddles and bridles, horseharness, ready made Beds and Furniture, painted Paper, playing Cards, Chess men, all wrought Iron excepting Artificers Tools, all wrought Brass excepting warming Pans, all wrought Mehogany, Nails, Bellows, all Glass excepting window Glass, Cheese, Loaf Sugar, and Linseed Oil, also upon all ready made Carriages, Clocks, Clock Cases and Watches, that may be imported into this State either by Land or Water; and an impost duty of ten per Centum ad valorem upon all China, earthen and stone Wares, that may be imported as aforesaid.—And also an impost duty of five per Centum ad valorem upon all Wines, Beer, Porter and Ale that may be imported as afore said. And a duty of three shillings per Barrel on all Pitch, Tar and Turpentine imported as aforesaid. And also a duty of two and an half per Centum ad valorem upon all other Goods, Wares and Merchandize that may be imported into this State as aforesaid: which duties shall be paid to the Impost officer, or either of his Deputies, by the Importer of said Goods, Wares and Merchandize at the time of importation, or he shall give bond with two sufficient Sureties for the payment of the same to the said Impost Officer or his Successor within three months after the date, with Interest after that time 'till paid.

And be it further enacted by the Authority aforesaid, that, whereas the Impost Officer or his Deputy may not in all Cases agree with the Importer upon the value of such imported Goods as are by this Act liable to impost duty, they may jointly choose

two or more reputable persons to appraise such Goods on Oath, which Oath shall be administered by said Impost Officer or his Deputy; but in case the said Officer or his Deputy cannot agree with the Importer upon suitable Persons to appraise said Dutied Goods, said Officer is hereby directed to apply to any Justice of the Peace for the County where such Goods are imported, who is hereby authorized and required to appoint two or more discreet Persons to appraise such Goods, which Persons so chosen and sworn as before mentioned shall value said Goods and report the Appraisment under their hands to the said Officer or Deputy, which report shall be deemed the just value of said Goods.—

And be it further enacted by the Authority aforesaid, that every Master of a Ship or other Vessel importing into this State any Goods, Wares, or Merchandize liable by this Act to an Impost Duty, shall before he break bulk, and within forty eight hours after his arrival, make a true and perfect report in writing to the said Impost Officer of his Cargo by him so imported, together with the names of the Owners or Consignees of the same, and shall without evasion immediately, if required, expose the same to be appraised, which shall not however be deemed breaking bulk, but said Goods, Wares, and Merchandize shall remain in the custody of the Impost Officer or his Deputy until the Payment of the Duties is secured.

And be it further enacted by the Authority aforesaid, that if any Master of a Ship or other Vessel shall land or deliver any Goods, Wares or Merchandize liable by this Act to an Impost Duty, to any Owner, Consignee, or other person until he first receive a permit from the Naval Officer, who shall not grant such Permit until he receive a Certificate from the Impost-Officer that the duty on said Goods is Secured, he shall be fined twenty Pounds, and the said Goods so landed shall be forfeited.

And be it further enacted by the Authority aforesaid, that every Waggoner, Team Driver, Carman or other person who shall import or bring by Land, in any Cart, Waggon, Sledge, Sleigh, or otherwise any Goods, Wares, or Merchandize, exceeding the value of three pounds at any one time, liable by this Act to an Impost Duty, shall make report of the same immediately, together with the name of the person to whom they belong, to the Impost Officer, or such Deputy as may be most convenient, who shall take security for the payment of the Duties.—And, if any Waggoner, Team Driver, Carman or other person shall import or bring into this State any dutied Articles without making report and giving security for the payment of the duties, he shall be liable to a fine of Ten Pounds, and such Goods shall be forfeited.

And be it further enacted, that all Fines, Forfeitures and Breaches of this Act shall be heard and tried before the Justices of the Superior Court of Judicature within the County wherein

the same breaches may happen. And the said Court on conviction of any such Offender shall order one third part of such Fine or Forfeiture to be paid to the person or persons who shall inform and prosecute for the same, and the other two thirds to be paid into the Treasury of this State for the use thereof.

And be it further enacted, that the Impost Officer or his Deputy upon seizure of any Vessel Cargo, or Goods so forfeited, shall within ten days from such seizure, file a Libel against such Vessel, Cargo, or Goods, before any Justice of the Superior Court of Judicature, therein alledging the Causes of seizure, and forfeiture, whereupon such Justice shall grant a Warrant under his hand and seal directed to the Sheriff of the County wherein such seizure may be made, to take into his Custody such Vessel, Cargo, and Goods, and detain the same in Custody for Trial.—And said Justice may further order the sale of any perishable Goods so seized before Trial thereof.

Provided that the duties upon Glass, Cast Iron, and wrought Iron shall not be demanded by the Impost Officer until the first day of January 1787: but said Articles shall be subject only to the duty of two and a half per Cent ad valorem before the said first day of January.

Provided also that this Act shall not be construed to extend to any Rum brought into this State, being the Manufacture of any of the United States, or to the Article of Salt, or the necessary Household Furniture of any Person coming into this State, or to any of the articles aforesaid being the manufacture of any of the United States;

This Act to continue and be in force for the term of Two Years and to the then next Session of the General Court.

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT THIS  
SESSION:

*State of* }  
*New Hampshire.* }

In the House of Representatives, February 20, 1786.

Voted that Thursday the Sixth day of April next be observed and kept as a day of public Fasting throughout this State and that his Excellency the President with advice of Council issue a Proclamation for that purpose—

Senate concurred February 20, 1786.

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*State of* }  
*New Hampshire.* }

In Senate, March 2, 1786.

Voted that his Excellency the President with the advice of the Honb<sup>l</sup> Council be requested to remove from the Office of Justice of the Peace

and Special Justice of the Superior Court for the County of Rockingham Jeremiah Gilman Esq<sup>r</sup> of Plastow as a person unsuitable to fill those important Offices—

House of Representatives concurred March 2, 1786.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, March 2, 1786.

The Committee having considered the Petition of James Reed late a Brigadier General in the Army of the United States of America, reported that they find by a Resolution of Congress passed December 14<sup>th</sup> 1781 that said Reed was entitled to receive the depreciation of his pay from the time of his appointment to the first day of August 1779 and one hundred and twenty five dollars p<sup>r</sup> month as wages from the first day of August 1779 to the last day of December 1780 with an allowance for detained rations as mentioned in said Resolution the Committee further report that by the vouchers and certificates, the said Reed by the Establishment made by Congress the 26<sup>th</sup> of August 1776 is entitled to receive one half his monthly pay since the last day of December 1780 as an Invalid pensioner—Signed M. Thornton for the Committee—which report being read & Considered Voted that it be received and Accepted and that his Excellency the President give the orders necessary to carry the Same into Effect.

Senate concurred March 4, 1786.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, March 3, 1786.

Whereas a Resolve of this Court which passed at the last Session thereof for Establishing Posts in this State is found in-Sufficient to answer the good purposes thereby intended—

Therefore Resolved that the aforesaid Resolve respecting the Establishment of Posts passed the ninth day of November last and every part and clause thereof be and hereby are Repealed—and that the President and Council for the time being shall have full power and authority to agree with and appoint a Post master General for this State & direct him where to Establish Post Offices upon the Roads hereafter mentioned and to change such places where they may find it most convenient for the good Subjects of this State—And they shall have liberty to agree with and employ or direct the Post master General to employ a proper number of riders So that News papers Letters and Mails may be transported in the most easy safe and expeditious manner to the various parts of the State through the Several Towns following (viz)

One post to leave Portsmouth on Monday and proceed through Exeter, Nottingham Concord & Plymouth to Haverhill & Orford & Hanover And from thence to return through Boscawen, Northfield & Canterbury to Epsom thence to New Market and Portsmouth—

Another Post to set out from Portsmouth on Thursday the next week and proceed through Exeter, Kingstown Chester, Londonderry & Litchfield to Amherst and to return through Dunstable, Salem, Plastow & Kingston to Portsmouth, the above two posts to ride one week to Hanover and the next week to Amherst alternately—

Another Post to receive the mail at Amherst and proceed through Keene to Charlestown & return through Hillsborough to Amherst—

And another mail to set out weekly on Monday from Portsmouth and proceed through Stratham, New Market Durham, Dover, Rochester, Wakefield & Ossippee to Conway and to return through Tamworth, Moultonborough, Merideth Gilmantown, Barnstead & Barrington to Portsmouth—

Resolved that one hundred pounds be and hereby is granted for the payment of the above post riders, and the President and Council are empowered from time to time to affix the rate of Postage of Letters.

Senate concurred March 4, 1786.



## [THIRD GENERAL COURT.]

*[Held at Concord, Exeter and Portsmouth, Three Sessions, June 7, 1786 to January 18, 1787.]*

## [OFFICERS OF THE GOVERNMENT.]

JOHN SULLIVAN, PRESIDENT OF THE STATE.

JOSEPH PEARSON, SECRETARY.

JOHN TAYLOR GILMAN, TREASURER.

JOHN McCLARY, PRESIDENT OF THE SENATE.

JOHN LANGDON, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Joshua Wentworth,	Portsmouth.
Amos Shepard,	Alstead.
Robert Means,	Amherst.
Christopher Toppan,	Hampton.
Moses Dow,	Haverhill.

## [MEMBERS OF THE SENATE.]

John McClary, President,	Epsom.
Joseph Gilman,	Exeter.
Joshua Wentworth,	Portsmouth.
George Atkinson,	Portsmouth.
John Bell,	Londonderry.
John McDuffee,	Rochester.
Matthew Thornton,	Merrimack.
Ebenezer Webster,	Salisbury.
John Bellows,	Walpole.
Amos Shepard,	Alstead.
Elisha Payne,	Haverhill.
Otis Baker,	Dover.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Atkinson and Plais-	} Joseph Welch.
tow,	
Candia,	Nathaniel Emerson.
Canterbury and	} Asa Foster.
Northfield,	
Chester,	J. Underhill.
Chichester and	} John Cram.
Pittsfield,	
Concord,	John Bradley.

Deerfield,	Moses Barnard.
Epping,	Jonathan Elliot.
Exeter,	Ephraim Robinson.
Hampton,	Christopher Toppan.
Hampton Falls and } Seabrook,	Elisha Brown.
Hawke and } Sandown,	Moses Hook.
Kensington,	Moses Shaw.
Kingston,	Solomon Wheeler.
Londonderry,	Daniel Runnells.
	Archibald McMurphy.
North Hampton,	Moses Leavitt.
Nottingham,	John Gile.
Pelham,	James Gibson.
Pembroke,	Samuel Daniels.
Portsmouth,	John Langdon.
	John Pickering.
	John Sparhawk
Rye,	Samuel Jenness.
Salem,	Amos Dow.
South Hampton and } East Kingston,	Joseph Merrill.
Stratham,	Mark Wiggin.
Windham,	James Betton.

## STRAFFORD COUNTY.

Barnstead and } New Durham,	J. Chesley.
Barrington,	Samuel Hale.
Conway, Eaton, } Burton and Lo- cations,	Andrew McMillan.
Dover,	John Waldron.
Durham,	Ebenezer Thompson.
Gilmanton,	Joseph Badger.
Lee,	James Brackett.
Moultonborough, } Tuftonborough, Wolfeborough and Ossipee,	M. Ambrose.
Rochester,	James Knowles.
Sandwich and Tam- } worth,	Daniel Beede.
Somersworth,	John Rollins.
Wakefield, Middle- } ton and Effing- ham,	Simeon Dearborn.

## HILLSBOROUGH COUNTY.

Amherst,	R. Means.
Bedford,	Stephen Dole.
Boscawen,	George Jackman.
Dunbarton and } Bow,	James Clements.
Dunstable,	N. Lovell.
Fishersfield, Sut- } ton and War- } ner,	Zephaniah Clark.
Goffstown,	William Page.
Hancock, Antrim } and Deering,	John Duncan.
Henniker and Hills- } borough,	Robert Wallace.
Hollis,	Daniel Emerson.
Hopkinton,	Aaron Greeley.
Lyndeborough,	Levi Spaulding.
Merrimack,	W. Barron.
New Ipswich,	John Preston.
Nottingham West,	Samuel Marsh.
Peterborough and } Society Land,	Samuel Cunningham.
Temple and Peter- } borough Slip,	Francis Cragin.
Weare,	George Hadley.
Wilton,	Philip Putnam.

## CHESHIRE COUNTY.

Acworth, Lemp- } ster and Marlow,	Silas Mack.
Alstead,	Absalom Kingsbury.
Charlestown,	John Hubbard.
Chesterfield,	M. Smith.
Claremont,	S. Kingsbury.
Cornish and } Grantham,	Dudley Chase.
Dublin and Pack- } ersfield,	Stephen Ames.
Fitzwilliam,	S. Kendall.
Jaffrey,	J. Gilmore.
Keene,	Jeremiah Stiles.
Newport and } Croydon,	Jeremiah Jenks.
Plainfield,	Joseph Kimball.
Richmond,	J. Gaskill.

Stoddard and Washington, }	Jacob Copeland.
Surry and Gilsum, }	L. Holmes.
Swanzy,	A. Randall.
Walpole,	Enoch Hale.
Westmoreland,	Samuel Works.
Winchester,	D. Ashley.

## GRAFTON COUNTY.

Bath, Lyman, Land- daff, Concord (Lisbon) and Dal- ton, }	John Young.
Enfield, Canaan, Cardigan, Dor- chester and Grafton, }	Jesse Johnson.
Hanover,	Aaron Storrs.
Haverhill, Pier- mont, War- ren and Cov- entry, }	Moses Dow.
Holderness, Camp- ton, Thornton, Lincoln, and Franconia, }	Hercules Mooney.
Lebanon,	Edmund Freeman.
Lyme and Or- ford, }	Joseph Skinner.
New Chester, Alex- andria and Cockermouth, }	Joshua Tolford.
Plymouth, Rum- ney and Wentworth, }	Abraham Peters.

[*First Session, Held at Concord, June 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 1786.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER MRS. ELIZABETH WENTWORTH TO CONVEY HER ESTATE TO HER CHILDREN AND GRANDCHILDREN, AND TO ENABLE THEM TO HOLD THE SAME.—

[Passed June 14, 1786. Original Acts, vol. 10, p. 41; recorded Acts, vol. 5, p. 232.]

Whereas Elizabeth Wentworth of Portsmouth in the County of Rockingham and State of New Hampshire Widow, hath petitioned the General Court, representing, That, her late husband Mark Hunking Wentworth Esquire deceased, did by his last Will and Testament give and devise to her the whole of his Estate, except some small Legacies to his Children and Grand children which Estate she was desirous of giving to and among her children and Grand children many of whom were absentees, but was deprived of the Right of giving the same to such absentees, by the Laws of this State which she conceived peculiarly hard, Wherefore she prayed that she might be enabled, to devise or otherwise give her estate to and among her children and Grandchildren any Law of the State to the contrary notwithstanding,—Which Petition being duly considered and the prayer thereof appearing reasonable.—Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, That the said Elizabeth Wentworth be and hereby is fully empowered to give and convey as well by her last will and Testament as by Deed or Deeds all her Estate both Real and Personal or any part thereof to and among any or all of her said Children and Grandchildren, in such way and manner as she may think proper: And all and every of her said children and Grandchildren to whom she may give or convey her Estate or any part thereof and their heirs and assigns shall be and hereby are rendered capable of taking and holding said Estate to the use or uses, for which the same may be so given or conveyed to them or any of them in the like manner, as tho' they were subjects of this State, any Law, custom or usage to the Contrary thereof notwithstanding.—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT INVESTING BENJAMIN DEARBORN WITH THE EXCLUSIVE RIGHT OF MAKING AND SELLING CERTAIN ARTICLES THEREIN SPECIFIED.

[Passed June 14, 1786. Original Acts, vol. 10, p. 42; recorded Acts, vol. 5, p. 233. See act of January 12, 1787.]

Whereas Benjamin Dearborn of Portsmouth in the county of Rockingham, and State afores<sup>d</sup> Printer, hath petitioned the General Court, representing, that he had spent much time and money in a variety of Inventions, which might be of public Utility—That he was desirous of enjoying some exclusive Benefit from some of them.—Having been the sole Inventor of a new constructed Printing-Press, which has many conveniences, that common kind has not—And having written a Collection of Rules in Arithmetic, in a concise, intelligible manner for the use of Schools, entitled the Pupil's Guide, he prayed, that the exclusive right of making and selling any such Printing Press, and of printing and vending said Pupil's Guide within this State might be secured to him, his heirs and assigns for a certain time, with any improvements and additions he might make to any of them. The prayer of which petition, after due enquiry had, appearing reasonable. Therefore, Be it Enacted by the Senate & House of Representatives in General Courts convened, that the said Benjamin Dearborn his heirs and assigns be and hereby are entitled to the sole and exclusive right of making and selling any such Printing Presses, and of printing and vending of said Pupil's Guide with any improvements or additions he may make to the same, or any of them for the term of Fourteen years from the passing of this Act. And if any person or persons, but the said Benjamin Dearborn his heirs or assigns, shall within the term aforesaid make sell or print any such Printing Press, or Pupil's Guide, without his or their permit therefor, such person or persons shall forfeit and pay to the said Benjamin Dearborn his heirs and assigns double the value of the Press, or Pupils Guide so made sold or printed, for every such offence to be recovered in any Court of Law proper to try the same.

## [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE PHILIP WHITE AND MARY HIS WIFE TO SELL THE REAL ESTATE OF EBENEZER CONANT DEC<sup>d</sup> FOR THE PAYMENT OF THE DEBTS OF THE DECEASED AND SUPPORT OF HIS CHILDREN.

[Passed June 15, 1786. Original Acts, vol. 10, p. 43; recorded Acts, vol. 5, p. 234.]

Whereas the said Mary while sole as adm<sup>x</sup> of the estate of her late husband Ebenezer Conant deceased Intestate, hath petitioned the General Court, representing, that, the said Ebenezer at his decease was greatly in debt, more than the amount of his personal estate, that his real Estate consisted of uncultivated lands, the income whereof, was very small, inadequate to the payment of the Intestate's debts and the support of his children, being two daughters, one of whom was two, and the other Eight years old at the time of the death of the Intestate, that the said Mary had been appointed Guardian of the persons and estates of said children, but had found the income of their interest insufficient for the payment of y<sup>e</sup> debts, the Support of said children and payment of the Taxes assessed on their estates, Wherefore She prayed that She, being then sole, since married to the said Philip White, might be empowered to sell and convey the Estate of the said Intestate. The prayer of said petition appearing reasonable—

Therefore, Be it Enacted by the Senate and House of Representatives in General Court, convened, that the said Philip White and Mary his wife as Guardian of said Wards, be and hereby are fully empowered to sell and convey the real estate of the said Ebenezer for the most it will fetch at public Vendue and to make & execute good and valid deed, or deeds of said real estate of said Intestate to the purchaser or purchasers thereof—Provided nevertheless, that, the said Philip White and Mary his wife shall first give Bond with Sureties in a sufficient Sum to the Judge of Probate for the county wherein the said Letters of Guardianship of said children were granted, to apply the monies arising from the Sale of said real Estate for the paying the debts of the said Intestate and supporting said wards, and to account for the proceeds of said real estate, in like manner as the Law requires of Guardians in other cases.

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE UNITED STATES IN CONGRESS ASSEMBLED  
WITH FULL POWERS TO REGULATE COMMERCE.—

[Passed June 19, 1786. Original Acts, vol. 10, p. 44; recorded Acts, vol. 5, p. 236.  
Repealed by acts of December 28, 1786, and June 20, 1792.]

Whereas the united States in Congress Assembled did by their Resolve of the 30<sup>th</sup> April 1784 recommend it to the several States in the Union to vest Congress with powers competent to the protection of Commerce, & to prohibit the importation of any Goods wares or Merchandize in Vessels owned or navigated by the subjects of any power not being in Commercial Treaty with the united States, which recommendation appearing highly reasonable, and a compliance therewith to be of great importance to the foreign commerce of the united States, Therefore,

Be it enacted by the Senate & House of Representatives in general Court convened, that the united States in Congress assembled be and hereby are in behalf of this State for the term of fifteen years to commence at the time when all the States in the union shall have given similar powers to the united states in Congress assembled fully impowered to prohibit any Goods wares or Merchandize from being imported into or exported from any of the States in Vessels belonging to or navigated by the Subjects of any power with whom the States in Union shall not have formed treaties of Commerce.

And be it further enacted, that the united States in Congress assembled be and hereby are fully impowered in behalf of this State for the term of fifteen years to commence as aforesaid, to prohibit the subjects of any foreign State, kingdom or Empire, unless authorized by treaty from importing into the united States, any Goods wares or Merchandize which are not the produce or Manufacture of the dominions of the sovereign whose subjects they are.—

And Be it enacted by the authority afores<sup>d</sup> that all acts and laws of this State heretofore passed, respecting the subject matter of this act, be and hereby are repealed and made null and void.



## [CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER SARAH CATHARINE MOFFATT WIDOW TO MAKE PARTITION OF LANDS IN TUFTONBOROUGH BELONGING TO HER MINOR CHILDREN AND TO SELL CERTAIN LANDS FOR THEIR SUPPORT AND EDUCATION.

[Passed June 19, 1786. Original Acts, vol. 10, p. 45; recorded Acts, vol. 5, p. 237.]

Whereas Sarah Catharine Moffatt of Portsmouth in the county of Rockingham in said State Widow hath petitioned the General Court representing that John Moffatt Lucy T. Moffatt, Thomas Philip Moffatt and Robert Cutts Moffatt minors and children of the said Sarah Catharine Moffatt were possessed of certain tracts of land lying in the Township of Tuftonborough in common and undivided with other owners of lands therein, that a division of the same was necessary prior to any settlements thereon—that, in its present situation no benefit could accrue to said minors, but the taxes thereon were a constant burden to her.—And as it was necessary for the maintenance and education of said minors, that, a part of their lands aforesaid should be sold for that purpose, Wherefore the said Sarah Catharine Moffatt prayed that She might be empowered in behalf of said Minors to make partition or division of said lands so held in common and undivided, and to make execute & acknowledge Quit claim or other proper deed or deeds for that purpose—And also to sell and convey any of the lands aforesaid belonging to said Minors or any of them, for their support and education as occasion might require. The prayer of which petition after a full & fair hearing, appearing reasonable, Therefore Be it Enacted by the Senate & House of Representatives in General Court convened, that, the said Sarah Catharine Moffatt be and hereby is fully empowered, in behalf of said minors to make partition of said lands so lying in common and undivided, and to have the parts belonging to them divided and set off to them in severalty; and for that purpose to make execute and acknowledge any Quit claim or other deed or deeds to the other owners of land in said Township and to take and receive deeds from them for the parts belonging to said minors which partition made by the said Sarah Catharine Moffatt in behalf of said minors shall be as good and valid to all intents and purposes, as if the same had been made by the said children when of full age.

And Be it further Enacted by the authority aforesaid, that, the said Sarah Catharine Moffatt be and hereby is fully empowered to sell and convey in behalf of said minors, any or all

the lands in said Township belonging to them as She may from time to time find necessary for their maintenance and education. Provided, She first give Bond in a sufficient Sum with proper Sureties, to the Judge of Probate for the County of Rockingham to account for the monies arising from the Sale of said minors lands which may be so sold by the power given her hereby, and for the application thereof according to the true intent and meaning of this Act.

[CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT FOR THE  
MORE EXPEDITIOUS METHOD OF MAKING PARTITION OF LAND  
AND OTHER REAL ESTATE HELD IN COMMON.

[Passed June 20, 1786. Original Acts, vol. 10, p. 46; recorded Acts, vol. 5, p. 239. Laws, 1780 ed., p. 393. The act referred to is dated July 3, 1766. Repealed February 4, 1789.]

Whereas doubts have arisen, whether partition of real estate in joint tenancy or coparcenary can be made, in the summary made the act directs for the partition of land and other real estate held in common and undivided. And as the said Act doth not empower the Judge of Probate in any case, to set off in severalty, to any tenant in common, joint tenants or parcener, the part to such owner belonging, without partition of the whole—Which is found to be often unnecessary and sometimes inconvenient. Be it Enacted by the Senate and House of Representatives in General Court conven'd, that, the Judge of Probate in said act mentioned may and shall upon application, of any tenant in common, joint tenant or parcener of real estate, order the part to him or her belonging to be divided and set off in severalty without ordering a partition of the whole among all the owners thereof, which severance of any one owner's part being so made and accepted, as the said act directs for the partition of land and real estate held in common and undivided, shall be good and valid. And any person may appeal from the decree of said Judge respecting the partition of such real estate, to the next Supreme Court of Probate for the County wherein y<sup>e</sup> same decree may be made, any time within Six months from the time of pronouncing such decree.

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER JOSEPH PARKER TO SELL CERTAIN LANDS  
& BUILDINGS IN NEW IPSWICH.

[Passed June 20, 1786. Original Acts, vol. 10, p. 47; recorded Acts, vol. 5, p. 240.]

Whereas Joseph Parker of New Ipswich in the County of Hillsborough in Said State Gentleman Administrator of the Estate of Isaac Farwell late of New Ipswich aforesaid husband-man deceased hath Petitioned the General Court representing that the whole of the real Estate whereof said Isaac died seized did not amount to fifty acres of land of which about half was under improvement, and the Buildings thereon were in the center of the improved land and the remainder of Said land was well wooded—that the Judge of Probate had given Licence to sell so much of said Estate as should be sufficient to pay the debts against the same estate exclusive of the credits and personal estate that the wood Land could be sold separte, but the sale thereof without selling the whole would be ruinous to said farm and that the improved land was so situated that the whole or any part of it could not be sold to any advantage—that the Heirs of the deceased were all young and that it would be more for the interest of the Widow & Children of the deceased could the whole of said Farm be sold together.

Wherefore the said Joseph Parker prayed that he as Administrator aforesaid might be empowered to sell the whole thereof—The prayer of which petition after a fair hearing, appearing reasonable Therefore Be it Enacted by the Senate and House of Representatives in General Court Convened, that the Said Joseph Parker as Administrator of said estate be and hereby is empowered and licenced to sell at Public Vendue the whole of said real Estate for the most it will fetch and the Said Administrator is hereby further empowered to make Execute and acknowledge good and valid deed or deeds of the premises to the purchaser or purchasers Provided the Said Joseph Parker first give Bonds with proper sureties in a sufficient Sum to the Judge of Probate for the Said County of Hillsborough to account for the monies arising from the Sale of Said Estate as the Law requires of administrators in other cases

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER MARY CONNER TO SELL A LOT OF LAND  
THEREIN DISCRIBED

[Passed June 20, 1786. Original Acts, vol. 10, p. 48; recorded Acts, vol. 5, p. 241.]

Whereas Mary Conner of Dover, in the County of Strafford Widow, hath petitioned the General Court setting forth, that about the 10<sup>th</sup> day of September 1782, her husband was drowned at Sea, and left her with a large family of small Children in very low circumstances; She having only a small piece of land & House thereon, & one lot containing one hundred and forty acres of Land in Middletown; and large debts to pay, but no personal estate for that purpose: That she has a family of young Children to support which it is utterly impossible for her to do, and therefore praying for an Act of the General Court, to enable her and her son in law Joseph Drew, who together with herself—administerd on the Estate to sell the above mentiond lot of land in Middletown, for payment of the debts and support of her and her Children; which prayer appears reasonable

Therefore be it enacted, by the Senate and House of Representatives in General Court convened, that the said Mary Conner, and Joseph Drew, be and they hereby are fully empowered, to sell and convey the before mentiond Lot of Land in Middletown, it being the lot numbered sixty three, in the second division of Lots of Land in said town, and to make, execute and acknowledge any deed or deeds thereof, proper to convey the title of the deceased to the Purchaser or purchasers; Provided that the said Mary Conner & Joseph Drew first give Bond with proper Sureties in a sufficient Sum, to the Judge of probate for the County of Strafford, to account for the Monies arising from the sale of said land, and for the application of said Monies according to the true intent and design of this Act

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER NATHANIEL HALL AND EBENEZER BREWSTER ADMINISTRATORS TO THE ESTATE OF EBENEZER GREEN LATE OF LYME IN THE COUNTY OF GRAFTON ESQUIRE DECEASED TO COLLECT THE EXCISE IN THE COUNTY OF GRAFTON FOR THE YEAR 1786.

[Passed June 21, 1786. Original Acts, vol. 10, p. 49; recorded Acts, vol. 5, p. 242.]

Whereas Nathaniel Hall and Ebenezer Brewster have petitioned the General Court setting fourth that they were appointed administrators of the estate of Ebenezer Green late of Lyme in the County of Grafton Esquire deceased and that the said Green had purchased the excise on spirituous liquors for the present year in said County of Grafton and praying that they may be impowered to collect said excise in the same manner as the said Green might have done if he had lived. Which appearing reasonable

Be it therefore enacted by the Senate and House of Representatives in General Court convened that the said Nathaniel Hall and Ebenezer Brewster be and they hereby are impowered to collect said excise from the first Day of oct<sup>r</sup> 1785 to the first of oct<sup>r</sup> 1786 or so much thereof as remains uncollected or that will be due for the current year and to sue for and recover the same with all the powers, previledges profits and emoluments belonging to any Collector or Collecters of excise by the laws of this State.

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO ENCOURAGE THE MANUFACTURING OF LINSEED OYL WITHIN THIS STATE.

[Passed June 21, 1786. Original Acts, vol. 10, p. 50; recorded Acts, vol. 5, p. 243. Laws, 1780 ed., p. 394; Perpetual Laws, 1789 ed., p. 196; Laws, 1792 ed., p. 341. Repealed June 18, 1805.]

Whereas the manufacturing of Oyl from flaxseed within this State, will furnish employment for poor persons, have a happy influence on the ballance of trade and greatly contribute to the wealth of the good subjects of this State.

Therefore to encourage the same Be it enacted by the Senate and House of Representatives in General Court convened; that

if any person or persons shall within two years erect and set up or if already set up shall continue a Mill for the manufacturing of oyl from flaxseed, such mill or building shall not be subject to any tax for ten years after it shall have been set up.

And, Be it further enacted, that it shall be lawful for all and every person or persons Native, or Foreigner, to ship, lade, enter, transport, or export, out of this State into any part of the world in amity with the United States, Linseed oyl free from any Custom or imposition whatever.

Provided always and it is the true intent and meaning of this Act that such Mills as are already set up; shall be exempted from taxation for ten years from the passing of this act, and such as may be set up within two years as aforesaid, shall be exempted for the term of ten years next after the time of their being set up, and erected.

## [CHAPTER 11.]

*State of  
New Hampshire.* }

### AN ACT TO PREVENT THE DISTRUTION OF SALMON IN AMMONUSUCK RIVER—

[Passed June 22, 1786. Original Acts, vol. 10, p. 51; recorded Acts, vol. 5, p. 244. Laws, 1780 ed., p. 395; Laws, 1792 ed., p. 348. Repealed by act of June 20, 1798.]

Whereas the Salmon in said River might be of Great use to the public if properly preserved.—Therefore be it enacted by the Senate and House of Representatives in General Court conven'd, that from & after fifteen days from the passing this act, if any person or persons, shall catch kill or distroy any Salmon in the River aforesaid—within one Hundred rods of the mouth thereof or in the River Connecticut within one Hundred rods of the mouth or entry of said Ammonusuck River into the River Connecticut, he shall forfeit and pay the sum of forty shillings for each offence to be recovered in any Court of Record or any other Court proper to try the same, one half of said sum to the use of the person or persons who shall sue for & recover the same, & the other half for the use of the County where the offence may be committed—

And be it further enacted by the authority aforesaid that if any person or persons shall sett any Gill net in said River Ammonusuck in any part thereof, or in Connecticut River within one Hundred rods of the mouth of said Ammonoosuck River he or they shall forfeit & pay the sum of forty Shillings for Each offence to be recover'd & applied as aforesaid, & the Gill nett that may be sett as afores<sup>d</sup> shall be forfeited,

& the benefitts arising therefrom shall be applied for the use of the poor of the Town where the offence may be committed—

And be it further enacted by the authority aforesaid, that if any person or persons shall erect any Milldam or Milldams across said River Ammonoosuck, or continue any already erected, & shall not make or leave proper passage for said Salmon (by the Judgment of the Selectmen where the same may be erected, he or they shall forfeit & pay the sum of ten pounds to be recover'd & applied as aforesaid, in the first part of this act— & such Mill dam shall be Demolish'd; And be it further enacted by the authority aforesaid that if any person or persons shall catch kill or destroy any of the Salmon in the River Ammonusuck aforesaid within fifty rods of any Milldam in said River, he or they shall forfeit & pay the sum of forty shillings for each offence to be recovered & applied as aforesaid—

And be it further enacted by the authority aforesaid that if any person or persons shall erect any ware in said River & thereby obstruct the passage of said Salmon, he or they thus offending shall forfeit & pay the sum of ten pounds for each offence to be recover'd & applied as aforesaid—

And be it further enacted by the authority aforesaid that the several Towns Laying on or adjoining said Ammonusuck River are hereby impowred & Directed to chuse one or more proper person or persons at their annual March Meetings whose Duty it shall be to see this act is put in execution

## [CHAPTER 12.]

*State of  
New Hampshire.* }

### AN ACT TO AUTHORIZE RICHARD SMITH OF SEABROOK TO COLLECT CERTAIN TAXES THEREIN MENTIONED—

[Passed June 22, 1786. Original Acts, vol. 10, p. 52; recorded Acts, vol. 5, p. 246.]

Whereas Elisha Brown and others Inhabitants of Seabrook has Petitioned the General Court setting forth that they were chosen a Committee by the Inhabitants of said Seabrook to examine, State & Settle all accounts between Said Parish and the Revr<sup>d</sup> Mr Perley their then Minister that they found a Balance due to said Perley of one hundred pounds Lawful money for which they gave their Security—That many difficulties arose which induced the Committee to Petition the General Court of the then Province, now State of New Hampshire and obtained liberty to Tax the Persons who subscribed for settling the said Perley.—That a tax was accordingly made and a Collector appointed who collected a part of said Tax—that said Collector is since deceased and no person has authority to compleat the

collection & that the Committee has been compelled to pay the Sum for which they gave their Obligation. Wherefore they prayed that Some person might be authorized to compleat said Collection—Which Petition being read & considered and the prayer thereof appearing reasonable—

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened that Richard Smith of Seabrook be and he hereby is appointed a Collector to collect the remainder of the Tax which was delivered to Nehemiah Chase late of Seabrook to collect, (who has since decess<sup>d</sup>). And full power and authority are hereby given & granted to the said Richard Smith to compleat said Collection in as full & ample a manner as the said Nehemiah Chase could have had were he now living—he the said Richard first giving Bond to said Committee to deliver to them the money he may collect by virtue of this Act

### [CHAPTER 13.]

*State of  
New Hampshire. }*

#### AN ACT TO RESTORE JONATHAN ELKINS TO HIS LAW—

[Passed June 22, 1786. Original Acts, vol. 10, p. 53; recorded Acts, vol. 5, p. 247.]

Whereas Jonathan Elkins of Nottingham in the County of Rockingham Yeoman; hath petitioned the general court setting forth, that an action was commenced against him by Ebenezer Champney of Groton in the County of Middlesex & commonwealth of Massachusetts Esq<sup>r</sup> to the inferior court held at Dover within & for the County of Strafford, on the third tuesday of June in the year of our Lord one thousand seven hundred & eighty five—when said petitioner recovered Judgement for his cost, by reason of the note's (on which said action was founded) appearing bad; and that, after which said petitioner heard nothing of the note, nor received any summons on the same, untill an execution was brought against him in favor of said Champney, recovered at the inferior court of common pleas held at Amherst in and for the County of Hillsborough on the second tuesday of March last; which execution said petitioner hath been compelled to satisfy; and praying for relief touching the premises, which appearing reasonable. Therefore—

Be it enacted by the Senate and House of Representatives in general court convened; that the Judgement aforesaid and all subsequent proceedings thereon, be, and they hereby are, made null & void: and that the said Jonathan Elkins be restored to his law, and admitted to defend said action, in which said Judgement was obtained, (in the several stages of the law) in as ample



a manner, as if he had not been defaulted in the same, and it now stood open for trial. Any law usage or custom to the contrary notwithstanding—

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO ALTER THE DAY OF HOLDING THE ANNUAL MEETING  
IN THE TOWN OF BEDFORD

[Passed June 22, 1786. Original Acts, vol. 10, p. 54; recorded Acts, vol. 5, p. 248.]

Whereas the Town of Bedford in said State—have petitioned the General Court setting forth that they are obliged to hold their annual meeting on the last wednesday of March which is very inconvenient: and praying to be enabled to hold their said meeting on the first wednesday of said month annually

Therefore Be it enacted by the Senate & House of Representatives in General Court convened, that the annual meeting in said Town of Bedford for the future shall be holden on the first wednesday of March forever, hereafter any law, usage or custom to the contrary notwithstanding—And all persons concerned are to take notice thereof & govern themselves accordingly

## [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER SAMUEL PILLSBURY TO COMPLEAT A RETURN  
ON AN EXECUTION LEVIED ON CERTAIN LANDS IN LONDONDERRY.

[Passed June 22, 1786. Original Acts, vol. 10, p. 55; recorded Acts, vol. 5, p. 249.]

Whereas Joanna Chapman of Londonderry in the county of Rockingham and State aforesaid petitioned the General Court setting forth that John Chapman late of the same Londonderry yeoman deceased Intestate was a Deputy Sheriff for the County of Rockingham, and had an Execution signed by the Clerk of the Court of Common Pleas for said County, Peirce Dow against Stephen March, committed to him to serve—That by the direction of the Creditor, to satisfy said Execution, certain lands the property of said March the Debtor, lying in Londonderry aforesaid, was appraised off by three good & discreet men legally chosen for that purpose,—That the return

on said Execution is imperfect, the land not properly described, and seizen & possession of said land, though delivered, was not entered on the same Wherefore she prays the Legislature of this State that some one of the Deputy Sheriffs of the county of Rockingham may be empowered to compleat said Return, which Petition being read and considered & the Prayer thereof appearing reasonable:

Therefore be it Enacted by the Senate and House of Representatives in General Court convened that Samuel Pillsbury of said Londonderry gentleman, (one of the Deputy Sheriffs for said County of Rockingham) be, & hereby is appointed, authorized & fully empowered to compleat the return on said Execution—to describe the said Land by proper metes & bounds & enter seizen and possession thereof on said Execution and the same to return into the Clerk's office from whence it issued, who is hereby empowered to receive the same any Law, usage or custom to the contrary notwithstanding.

## [CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT TO PREVENT UNNECESSARY COSTS TO DEBTORS, BY CREDITORS BRINGING ACTIONS OF DEBT ON JUDGMENTS, WHERE SUCH CREDITORS MIGHT HAVE AVAILED THEMSELVES OF EXECUTIONS ON THE SAME JUDGMENTS.

[Passed June 23, 1786. Original Acts, vol. 10, p. 56; recorded Acts, vol. 5, p. 250. Laws, 1780 ed., p. 397; Perpetual Laws, 1789 ed., p. 70. See act of November 8, 1785. Repealed June 20, 1792.]

Whereas the bringing Actions of Debt on judgments upon which Execution might be issued, & served or levied, tends greatly to oppress Debtors by loading them with unnecessary costs

Therefore be it enacted, by The Senate and House of Representatives in General Court convened; that in all Actions of debt, hereafter to be brought upon judgments recover'd in any of the Courts within this State upon which Executions might issue and be served or levied, at the time of commencing such Action of debt, The Plaintiff shall not recover any costs, but the Justices of the Court, before whom said Action of Debt may be brought, shall enter up judgment for the debt & costs recoverd in the former Action only. Any law, usage, or custom to the contrary notwithstanding

## [CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER JOHN ROACH TO APPEAR AND DEFEND A  
SUIT NOW PENDING AT THE INFERIOR COURT, IN AMHERST  
BROUGHT, BY JOSEPH BLANCHARD AGAINST ROBERT ROGERS  
ESQ<sup>r</sup>

[Passed June 23, 1786. Original Acts, vol. 10, p. 57; recorded Acts, vol. 5, p. 251.]

Whereas John Roach & Elizabeth his wife have petitioned the General Court, setting forth that Joseph Blanchard Esq<sup>r</sup> has commenced an Action against Robert Rogers Esq<sup>r</sup> for a considerable sum of money & by virtue thereof has attached Lands which the said Roach now holds in Right of the said Elizabeth. that, the said Rogers was defaulted at the Inferior Court held at Amherst for the County of Hillsborough in March last and the Action stands continued for Judgment, that the said Roach by his attorney would have appeared and Disputed the merits of said Action but was not permitted for want of a proper power of Attorney from the said Rogers That upon a tryal of the merits of said Action he can prove that there is no foundation for the Demand & praying that he the said John Roach may be permitted to appear & defend the said Action through the Course of the Law which prayer appearing reasonable

Therefore be it enacted by the senate & House of Representatives in General Court convened That the said John Roach be and hereby is empowered to appear & defend against the said Action as fully & amply to all intents & purposes as the said Robert Rogers might, or could if personally present and that at the next Inferior Court, the Justices of said Court order the Default to be taken off & proceed to try the merits of said Action in the same manner as though said Action had not been defaulted—And the said John Roach is hereby empowered either by himself or his attorney to Defend against, said Action through the Course of the Law—the want of a proper power from the said Rogers, any law usage or custom to y<sup>e</sup> contrary notwithstanding

## [CHAPTER 18.]

*State of  
New Hampshire.* }

## AN ACT FOR THE SUPPORT OF INVALIDS.

[Passed June 23, 1786. Original Acts, vol. 10, p. 58; recorded Acts, vol. 5, p. 253. Laws, 1780 ed., p. 399. Repealed by act of January 10, 1787.]

Whereas Congress by their resolve of the 7<sup>th</sup> day of June 1785, recommended to the several States To make provision for Officers, Soldiers, or Seamen who have been disabled in the Service of the States

Therefore be it enacted, by the Senate and House of Representatives in General Court convened, that Joseph Pearson Esq<sup>r</sup> be and hereby is appointed, To make a complete list of all the Officers, Soldiers, or Seamen in this State, who have served in the Army, or Navy of the United States; and have been disabled in such service so as to be incapable of military duty, or of obtaining a livelihood by labor; as well those now on the list of Invalids, as others who may hereafter apply; in which list shall be expressed the pay, age, and disability of each invalid also the regiment, corps, or Ship to which he belonged; and a copy of the same shall be transmitted to the office of the Secretary at war within one year from the passing of this act: and a like descriptive list of the Invalids resident in this State, shall annually be transmitted to the said office of the Secretary at war

No Officer, Soldier, or Seaman shall be considered as an Invalid, or entitled to pay, unless he can produce a certificate, from the commanding Officer or Surgeon of the regiment, ship, corps or company in which he served; or from a Physician or Surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service of the united States.

And be it further enacted that all commissioned Officers, within the aforesaid description, disabled in the service of the united States, so as to be wholly incapable of military duty, or of obtaining a livelihood, be allowed a yearly pension equal to half of their pay respectively. And all commissioned officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that, of an Officer wholly disabled. And all non commission'd officers and privates, within the aforesaid description, disabled in the service of the United States, So as to be wholly incapable of military, or garrison duty, or of obtaining a livelihood by labor, be allowed a sum not exceeding five dollars p<sup>r</sup> month. And all non commissioned

officers & privates as aforesaid, who shall not have been disabled in so great a degree, shall be allowed such a sum, as shall correspond with the degree of their disability, compared with that of a non commission'd officer, or private wholly disabled.

And be it further enacted that Joseph Gilman & Josiah Gilman Esquires and Doct<sup>r</sup> Samuel Tinney be and hereby are appointed, to examine all Claimants, and to report whether the person producing a certificate, setting forth that he is an invalid, be such in fact; and if such, what pay he is entitled to; and thereupon the said Joseph Gilman Josiah Gilman & Samuel Tinney shall give to the said Invalid, a certificate specifying to what pay he is entitled; and transmit a copy to the Secretary of this State for the time being, who shall receive, and record the same Provided that no Officer who has accepted his commutation for half pay, shall be entered on the list of Invalids, unless he shall have first return'd his commutation.

And be it further enacted; that his Excellency the President, be & hereby is authorised and empowered, with the advice of the Council, to form such invalids under the aforesaid description, and being citizens of this State, as are capable of doing garrison duty, into corps to be employed in guarding military Stores, aiding the police, or otherwise, as the General Court for the time being shall direct; and when such corps are formed: there shall be quarterly returns, comprehending the pay, age, disability, regiment, ship, or corps to which they severally belonged: made out and signed by their commanding officer, and transmitted to the Secretary of the State, and the President with advice of Council, shall give orders for the pay of said Invalids, agreeably to said returns.

And be it further enacted, that all Invalids, as well those formed into corps, as those who are not, shall annually apply themselves to some magistrate, in the County where they reside, or may be stationed, and take the following oath viz<sup>t</sup> A B came before me one of the Justices of the peace for the County of ——— in this State and made oath, that he was examined by ——— appointed by said State for that purpose, obtained a certificate, or had his certificate examined, and countersigned, and that he now lives in the ——— and in the County of ———

And the Affidavits drawn according to the above form, and so dated & attested, shall be sent by the said magistrate to the Secretary, who is hereby appointed to receive, and record the same, and a counterpart shall be preserved by the person taking it, to be exhibited to the said Joseph Gilman Josiah Gilman & Samuel Tinney—and upon his receiving a certificate thereof from them, or either two of them, and lodging the same in the Secretarys office; the President with advice of Council, is hereby empowered to give orders upon the Treasurer, for the money in payment of all such, as may be employed in doing garrison duty,

or aiding the police. And to those of every other description, he shall give order for payment, in Treasurers notes

And be it further enacted; that any Person now on the list of Invalids, who shall not apply for and obtain a certificate as aforesaid, within six months from the first day of July next; shall not be entitled to receive any pay as an Invalid, after that time, until he shall make application therefor, as in & by this Act is directed

[CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO ENCOURAGE THE IMPORTATION OF DRUGS & WOOD  
USED IN DYING CLOTHS, ARTIFICERS TOOLS, SPANISH WOOL,  
RAW SILK & OTHER RAW MATERIALS.—

[Passed June 23, 1786. Not found in Original Acts. Recorded Acts, vol. 5, p. 251. Laws, 1780 ed., p. 398; Laws, 1789 ed., p. 197; Laws, 1792 ed., p. 342. Repealed by act of December 7, 1792.]

Whereas the importation of Drugs & Wood commonly used in dying, Raw-Silk, Spanish & Cotton wool, and other raw materials, Tools & Implements used by Artificers, will greatly promote the manufactures of this State.—

Therefore Be it enacted by the Senate & House of Representatives in General Court convened, that from & after the publication of this Act, it shall & may be lawful for any person or persons, whether native or foreigner, to import, enter, or bring into this State, either by land or water, in any Ship, Vessel, Craft Team, Cart or Carriage, whether owned by Subjects of this State, those of other of the United States, or Foreigners, any Spanish & Cotton Wool, Molasses, Raw Silk, Elphants Teeth, untanned Hides, unwrought Copper, Brass & Steel, Pig-Iron, Goats hair, Cammels hair, Fullers Earth, Drugs & Wood used in dying, Tin-plates, Brass & Iron wire, and all Tools & Implements used by Artificers, free from any custom, duty or imposition whatever, any Act or Law of this State to the contrary notwithstanding.—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT IN EXPLANATION OF AN ACT INTITLED "AN ACT TO PREVENT THE BODIES OF DEBTORS FROM BEING TAKEN ON EXECUTION WHEN REAL OR PERSONAL ESTATE CAN BE FOUND OR IS TENDERED TO SATISFY THE DEMAND

[Passed June 23, 1786. Original Acts, vol. 10, p. 59; recorded Acts, vol. 5, p. 257. Laws, 1780 ed., p. 403. The act referred to is dated November 8, 1785. See act of June 28, 1787.]

Whereas some may endeavor to evade the true Intent & meaning of said Act, by holding the body of a debtor in confinement after a tendery of estate to satisfy the demand

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that during the continuance of said Act—whenever any debtor shall tender to the creditor or officer, holding such debtor, in satisfaction of any execution, recovered upon action of debt covenant or promise, either real or personal estate sufficient to satisfy the same, said debtor's body shall not be taken or holden by such execution—

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENCOURAGE THE IMPORTATION OF COINED GOLD & SILVER INTO THIS STATE

[Passed June 24, 1786. Original Acts, vol. 10, p. 61; recorded Acts, vol. 5, p. 258. Laws, 1780 ed., p. 404; Perpetual Laws, 1789 ed., p. 198; Laws, 1792 ed., p. 342. Repealed by act of December 7, 1792.]

Whereas the importation of gold and silver into this State to exchange for produce or manufactures thereof will much more promote the interest of the good subjects of the same, than the importation of foreign Luxuries.—

Therefore for the encouragement thereof; be it enacted by the Senate & House of Representatives in General Court convened that every Vessel owned by any Person or Persons being Inhabitants of this State which shall bring into the same Gold or Silver: the Master of which Vessel shall upon his arrival apply to the Naval Officer and make oath that there was imported in his said Vessel Gold and Silver only said Vessel shall not be liable to any duty except light money, either for entry

or clearance. Any law custom or usage to the contrary notwithstanding.

And be it further enacted that if the Master or Commander of any Ship or Vessel owned by any of the Citizens of this State upon his arrival in any port or harbour within the same shall make oath to the Naval Officer that he imported a sum of money equal in value to one half of the Cargo by him imported the one half of the duties or imposition upon the residue of his Cargo only shall be received or demanded by the Naval Officer and so in proportion for a greater or lesser Sum

[CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE DAVID COSER TO HIS LAW.

[Passed June 24, 1786. Original Acts, vol. 10, p. 62; recorded Acts, vol. 5, p. 259.]

Whereas David Coser of Boscawen in the County of Hillsborough Husbandman hath Petitioned this Court setting forth that he commenced an action against Samuel Coser of said Boscawen Husbandman at the Inferior Court of Common Pleas holden at Amherst in and for said County of Hillsborough on the first Tuesday of April A D 1783 and after being continued to the then next Term was appealed to the Superior Court held at said Amherst in May A D 1784 and there Entered and by consent of the parties referred to Joseph Badger Aaron Kinsman Esq<sup>rs</sup> and M<sup>r</sup> Jonathan Fifield, who in consequence of a Rule issued from the last mentioned Court met and fully heard the parties and their Evidence and all agreed to report in favour of said David which Report was scaled up and delivered to Said Samuel to be returned to Court after which the said Badger and Fifield in the absence of said Kinsman and at the request of said Samuel Opened the said Report and reported in favour of said Samuel which last report was returned to the Superior Court held at said Amherst in September A D 1784, received, and Judgment was rendered according to said Report, and Execution issued accordingly—And Praying to be restored to his Law in said Action which Prayer appearing reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened That the aforesaid Judgment and Execution against the said David be, and they hereby are vacated and rendered null and Void to all Intents and purposes, as though the said Action had never been Submitted or Judgment rendered as aforesaid—And the said David Coser is hereby empowered to reenter the said Action at the next



Superior Court of Judicature to be holden at Amherst in and for said County of Hillsborough on the first Tuesday of October next and have full Power to try the merits of the said Action as tho' no Judgment had been given thereon and in the same manner as though the said Appeal had been to said Superior Court to be holden on the first Tuesday of October next as aforesaid—

And be it further Enacted that the Justice of said Superior Court, be, and they hereby are empowered to hear try and determine said Cause and give Judgment for damages and all the Legal Costs that has already or may hereafter arise in said Action and issue Execution accordingly—

[CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT, TO VEST THE EXCLUSIVE RIGHT OF KEEPING A FERRY OVER CONNECTICUT RIVER, IN ALLEN WILLARD, HIS HEIRS & ASSIGNS—

[Passed June 24, 1786. Original Acts, vol. 10, p. 63; recorded Acts, vol. 5, p. 261.]

Whereas Allen Willard of Hinsdale in County of Cheshire, hath petition'd this Court, shewing the propriety of his keeping a Ferry over a certain part of Connecticut River in said Hinsdale, and prayed for the exclusive Right & privilege of the same, which appearing reasonable—

Be it therefore enacted, by the Senate and House of Representatives in General Court convened, That the sole proper, and Exclusive Right, privilege & Benefit of keeping a Ferry over said Connecticut River, in the Town of Hinsdale aforesaid, at a place called *Fort Dummer*, anywhere within one Mile either way, from where the said Willard's Ferry is now kept, extending on said River two miles in the whole, be, and hereby is granted to, and vested in him the said Allen Willard his Heirs & Assigns He, and they from time to time as the same shall fall giving Bond in the Sum of one Hundred pounds to the Clerk of the Court of the General Sessions of the peace for the County of Cheshire, that the said Ferry shall be well kept, & constantly attended—

And be it further enacted, that if any other person or persons, shall for hire or reward transport over said River, within one Mile of where the said Willard's Ferry is now kept, any person, Creature or thing; such person so transporting shall forfeit and pay to the said Willard his heirs and Assigns the Sum of Forty Shillings for every person Creature or thing so trans-

ported, to be recovered by Action of Debt before any Justice of the peace for the County aforesaid—

[CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE LABAN GATES TO HIS LAW IN A CERTAIN ACTION

[Passed June 24, 1786. Original Acts, vol. 10, p. 64; recorded Acts, vol. 5, p. 262.]

Whereas Laban Gates of Hanover in said State, hath petitioned the General Court representing that Ichabod Ormsbee of Fairlee in the State of Vermont commenced an action against him at the Inferior Court of Common pleas holden at Charlestown in the County of Cheshire on the second tuesday of September Anno Domini 1785, that he being sick could not attend said Court to contest said Action, which he was determined to do—& therefore, was obliged to trust the care of said Action to his Attorney, who thro the hurry of business or inadvertency, suffered him the s<sup>d</sup> Gates to be defaulted—where upon said Court entered up Judgment against him for the sum of one hundred & ninety five pounds two shillings & eight pence lawful money, notwithstanding he the said Gates had matters to plead in offset, more than sufficient to cancel the plaintiffs whole demand and execution lays Against him—so that he is liable to suffer & pay a very unreasonable & unjust sum—And prayed to be restored to his law

And after a full hearing, the prayer of said petition appeared reasonable, & the said Ormsbee having signified his consent to have the same granted—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened That the Judgment aforesaid be & hereby is declared null & void

And be it further enacted, that said Action shall be considered as now standing continued to the next inferior Court of Common pleas to be holden at Charlestown in & for said County of Cheshire on the second tuesday of September next and that the Justices of said Court be & hereby are impowered & directed to sustain hear & determine said Action in the same manner as tho it had been continued to said next Court—And that the said Gates be allowed to defend the same accordingly any law usage or custom to the contrary notwithstanding

## [CHAPTER 25.]

*State of  
New Hampshire.* }

AN ACT FOR FORMING AND REGULATING THE MILITIA WITHIN  
THIS STATE AND FOR REPEALING ALL THE LAWS HERETOFORE  
MADE FOR THAT PURPOSE

[Passed June 24, 1786. Original Acts, vol. 10, p. 65; recorded Acts, vol. 5, p. 265. Laws, 1780 ed., p. 407; Perpetual Laws, 1789 ed., p. 114; Laws, 1792 ed., p. 356. Potter "Military History of New Hampshire," p. 372. See additional act of September 23, 1786. See repealing act of December 28, 1792. See also the act of June 18, 1795.]

Whereas it is the Duty and Intrest of every State to have the Militia thereof properly armed trained and in compleat readiness to defend against every violence or Invasion whatever And whereas the Laws now in force respecting the regulation of the Militia are insufficient for those purposes

Be it therefore enacted by the Senate and House of Representatives in General Court Convened and by the authority of the same that the several Laws clauses and paragraphs of laws relative to regulating the Militia be and hereby are repealed and declared null and void

And be it further enacted by the Authority afforsaid That the Training Band so called shall consist of all the able bodied male persons within the State from sixteen years old to forty excepting members of Congress members of the Senate and the House of Representatives for the time being Secretary of the State all Civil officers Students of Colledges and Accademies Ministers of the Gospel Elders and Deacons of Churches Church Wardens Grammar school Masters, Masters of Arts people denominated Quakers Selectmen for the time being all Commissioned Officers and all non commissioned Officers of more than thirty five years of age who have Served as such three years shall not be compelled to serve in the training band unless they have the offer of serving in the same as a higher rank than they formerly held also all persons employed as masters of Vessels of more than thirty Tons burthen other than fishing Vessels and Vessels coasting to and from this to the other American States, Constables Sheriff Deputy Sheriff Negroes Indians and Molattoes also all such physician Surgeons ferryymen and millers as the selectmen in the several towns where they reside may think proper to excuse and furnish with a Certificate that they ought to be excused from common and ordinary Training.

And be it further enacted by the Authority afforsaid that there shall be One Colonel one Lieutenant Colonel and two Majors to each Regiment of foot which Officers shall divide the Regiments into Companies consisting as nearly as may be of sixty eight privates and shall determine the rank of each Company, and that each Company shall be commanded by a Captain two Lieutenants and an Ensign the Captains and Subalterns shall appoint four sergeants four Corporals one Drummer and one fifer to each Company and shall from time to time direct and appoint one of their sergeants to Act as Clerk

And in order to prevent as much as possible the inconveniencies which may arise from incorporating the Soldiers of different Towns into one and the same Company

Be it further enacted that each Town which can furnish thirty two privates and the proper Number of Commissioned And non Commissioned Officers shall be intituled to form one Company such Towns as have ninety six privates exclusive of nessessary Officers shall form two Companies of forty eight privates each and when the numbers are increased to one Hundred and eighty four they are to form two Companies of sixty eight privates and one of forty eight privates and so on from time to time making sixty eight the full proportion of privates for a Company and forty eight the additional number for dividing it and forming a new one And in all Towns which have several Companies if after forming some Companies of sixty eight privates there shall remain a Surpluss of less than forty eight they shall be divided among the other Companies as the field Officers shall think proper and if they amount to forty eight privates exclusive of the nessessary number for officers they shall be formed into a seperate Company and where any Town has less that thirty two privates and a proper number for Officers they shall be Joined to such other Corps as the Field Officers shall think proper untill they amount to that number when they are to be formed into a seperate Company And all able bodied soldiers belonging to places not incorporated are to be annexed to such Companies as the Field Officers shall direct and the Field Officers of the Respective Regiments shall have power from time to time to alter divide and arange the Companies in their Regiments agreable to the Rules afforsaid

And be it further enacted by the authority afforsaid that all Male persons from forty to sixty years of age and capable of bearing Arms who are exempted by the first section of this Act from common and ordinary Training and are not Included in that part of the Militia called the Training band shall constitute an Alarm List (excepting only Members of Congress of the Senate and House of Representatives Secretaries Ministers of the Gospel President Officers and Students of Colleges Preceptors and Assistants of Accademies and their Students for

the time being People called Quakers having a Certificate from the Clerk of their societies ferrymen Indians negroes and Molattoes) and shall in all respects be equipped with Arms and Accoutrements as is by this Act directed for those of the Training Band and those of the Alarm List shall by the respective Brigadiers be divided into Companies not to exceed ninety six nor less than thirty two in number which companies so divided and formed are to be commanded by a Captain holding the Rank of Colonel A Lieutenant holding the Rank of Lieutenant Colonel And an Ensign holding the rank of Major and are to be elected by the major part of the Alarm list present the Brigadier or such Field Officer as he shall order being present and presiding at said Election and are to proceed to the choice of non-commissioned Officers in the same manner as Companies in the training band each Company is to be provided with one Drummer and one fifer

And be it further enacted by the authority afforsaid that the Commanding Officer of each Alarm Company Shall once in every six months call his Company together and examine their Arms and Accoutrements and every deficiency of Arms or Accoutrements neglect of Duty or Disobedience of orders in any of the persons which compose the Alarm List shall be punished in the same manner as by this Act is provided against those of the training Band

And be it further enacted by the authority afforsaid that every non-commissioned Officer and Soldier both in the Alarm List and Training Band shall be provided and have constantly in Readiness a good musquet and a bayonet fitted thereto with a good Scabbard and Belt a Worm priming wire and Brush a Cartridge box that will hold at least twenty four Rounds six flints and a Pound of powder, forty leaden balls fitted to his Gun a Knapsack a Blankett and a Canteen that will hold one Quart such of the training band as are under the care of parents masters or Guardians are to be furnished by them with such Arms and accoutrements and such of the training band or Alarm list as shall be unable to furnish themselves shall make application to the Selectmen of the Town who are to certify to his Captain or Commanding Officer that he is unable to equip himself and the said Selectmen shall at the expence of the Town provide for and furnish such person with Arms and equipments which Arms and equipments shall be the property of the Town at whose expence they are provided and if any person so furnished shall embezzle or wilfully destroy the same he shall be punished by any court proper to try the same upon Complaint made by the Selectmen of said Town by being publicly whipped not exceeding twenty stripes and the Selectmen of each and every Town shall provide one twentieth part as many spades or Iron shovels with handles as there are rateable polls in said Town and

an equal number of pickaxes narrow axes and hoes one third of each kind and deposit the same in some safe place for the use of the Militia upon an Alarm the expence of which is to be borne by the Town, and the selectmen of each Town are to provide at the Cost and Charge of said Town one Drum and one fife for the use of each company belonging to said Town and are hereby empowered to tax the Polls and Estates of the Inhabitants of their respective Towns to defray the expences which they may be compelled in consequence of this act to lay out

And be it further enacted that all Captains and Subalterns be furnished with a half pike an Espoontoon or a fusee and bayonet and also with a sword or hanger and that they provide themselves with those Arms within one month after receiving their Commissions under penalty of being cashiered by sentence of a Court Martial

And be it further enacted by the authority aforesaid that the several Captains and commanding officers of Companies in the Train Bands shall cause true and accurate returns of their Companies to be made to the Colonel or officer commanding the Regiment to which they belong at or before the first day of March and said Colonel or Commanding Officer is to cause a proper Return of his Regiment to be made to his Brigadier by the first day of April and the Brigadiers are to make a proper return of their Brigades to the Major General or officer commanding the Divisions in which said Brigades may fall on or before the first day of May and the said Major General or commanding officer of Divisions is to lodge a Return of the whole Militia in this State with the Secretary on or before the first day of June All which are to be made annually that the General Assembly may from time to time be able to ascertain the Military force of the State

And be it further enacted by the authority aforesaid that the Alarm Companies shall make their returns to the Brigadier within whose District they may fall in the same manner as is directed for the Train Band and Captains of Artillery to make returns to the Colonel or commanding officer of the Regiment by the first day of May and to lodge a return in the Secretarys office by the first day of June annually all returns to give a State of the respective Corps on the first day of January preceeding the time limited for making such returns and all Companies or detachments of the Train band and Alarm list shall in time of Action upon an Alarm or on a Field Day receive their orders from the Brigadier or Officer commanding the Brigade to which they are annexed

And be it further enacted by the authority aforesaid that each Captain or commanding Officer of the Train Band shall call his Company together four times every year to examine their Arms and Accoutrements and to Instruct them in the necessary exur-

sices and Manoeuvres and each Colonel or commanding Officer of a Regiment shall call his Regiment together once every year if ordered by his Superior officer for the same purpose and each Captain or commanding Officer of a Company who shall neglect to call his Company together as afforsaid shall for each neglect pay a fine of three pounds and each Colonel or commanding Officer of a Regiment who shall neglect to call his Regiment together once a Year as afforsaid shall pay a fine of Ten pounds for each Offence

And be it further enacted by the Authority afforsaid, that if any Commanding Officer shall neglect or refuse to call his Regiment together on any special Occasion, at such time and place as his Superior Officer shall order, and be thereof convicted by a Court Martial appointed as in this Act is hereafter provided, he shall be cashiered, and if any Officer on a training or Mustering Day refuse to obey the orders of his Superior Officer, he shall upon being convicted thereof by a Court Martial be cashiered.

And be it further enacted by the Authority afforsaid That it shall be sufficient notice for any Noncommissioned Officer or private to appear with his Arms and Accoutrements as the Commanding Officer shall direct to be informed thereof by a noncommissioned Officer or by a notification left at his usual place of abode which notification shall be signed by the Clerk or some Commissioned Officer and if any private shall after such notification *unessessarily* neglect to appear with his Arms and Accoutrements he shall pay a fine of three shillings and each noncommissioned officer for such neglect or refusal a fine of six shillings for non appearance which is to be levied by Distress and sale of such Delinquents Goods and Chattles by Warrant under the Hand and Seal of the Captain or commanding officer of said Company and for want thereof upon his body and the Clerk who is to levy the Same is to observe the same rules and regulations in making said Distress as the Laws have pointed out for collecting rates and Taxes and shall have one Quarter part of said fine for his Trouble and customary fees. Provided nevertheless that no such warrant shall be Issued untill fifteen Days after the Day of appearing that the said delinquent may have time to make his excuse (if any he has) for his non appearance which is to be made to the Commanding officer of the Company

And be it further enacted, That Parents Masters and Guardians shall be liable for the Neglect and Non-Appearance of such persons as are under their Care (and are liable by Law to train) and are to be proceeded against for the Penalty in the same manner as by this Act is provided against other Delinquents.

And be it further enacted by the Authority aforesaid, That on all training & Muster days every Officer shall yield due

Obedience to his Superior Officers and every Non Commissioned Officer and Soldier shall yield intire and due Obedience to the Commands and Orders of their respective Officers, and if any Officer shall on such days neglect or refuse to obey the Orders he may receive from his Superior Officer he shall be liable to be Cashiered by Sentence of a Court-Martial and the Superior Officer may immediately put such delinquent in Arrest and Report him and his offence to the Brigadier if the Offender is under the Rank of a Field Officer: And the Brigadier is hereby empowered to appoint a Court-Martial for such trial and to approve the Sentence which being done the said Officer shall be deemed Incapable of ever holding any Military Post or Office in this State. And in case the Offender is of the Rank of a Field Officer or of higher Rank his Offence is to be reported to the Major-General who is hereby empowered to appoint a Court Martial to try such Offender and to approve the Sentence which being done the Offender shall be deemed incapable of ever holding any Military Office within this State, All Court Martials appointed by the Major General shall consist of Thirteen Members the president of which is at least to be of equal Rank with the Officer who is to be tried—All Court Martials appointed by the Brigadier are to consist of Seven Commissioned Officers the President of which is to be of the Rank of Captain. The Members of all Court Martials are to be Sworn by the President and the President is to be sworn by the member next in Rank on the Court-Martial: And the President of every Regimental Brigade and General Court Martial shall have power to Administer an Oath to every Witness in Order to the trial of Offenders.

And be it further enacted That if any Non-Commissioned Officer or soldier shall prove Refractory or disobedient on a Training or Muster-day or shall Insult or Abuse his Officers or either of them or treat them with Disrespect or Contempt the Commanding Officer present may order the offender to be immediately tried by five Commissioned Officers if so many should be present and if not by so many as are on the Field who are empowered to punish the Offender by ordering him to run the Gauntlet or to ride the Wooden Horse.

And that no abuse of Power may take place among the Officers,

Be it further enacted by the Authority aforesaid that every Officer appointing a Court Martial shall appoint some suitable person to act as Judge Advocate who is to make a fair Record of the whole Proceedings and the Officer who appointed the same is to Lodge a Copy thereof in the Secretarys office within one month after the trial or as soon after as may be that the Members of the General Court may have Opportunity to examine the same and Correct any abuse which may have taken place.



And be it further enacted That when the Militia of any Town in this State or any part thereof shall be drawn forth for immediate Defence of this or any of the United States each Officer and Soldier shall provide for himself, at least three days allowance of Provisions and the Selectmen of such Town shall immediately cause carriages to attend them with further Necessary Provisions and Utensils to cook the same and shall continue to forward to the Quarter Master or assistant in said Regiment sufficient supplies for the part of the militia from their respective Towns until they shall be notified by the Commanding Officer or by the Quarter Master that the same can be otherwise supplied—And the Selectmen are directed to lay their accounts of Provisions supplied by them as also of Utensils lost or Damaged and of Cost of Transporting the same before the General Court for Allowance and to produce Receipts from the Quarter Master or his assistant for such part thereof as shall be delivered to them respectively.

And be it further enacted by the Authority aforesaid That there shall be a Stock of Powder and other Ammunition in each Town provided and constantly kept which shall be one barrel of Gun Powder Containing a hundred Pounds weight Three hundred pounds of Leaden Balls of different sizes and Buck Shot and Three hundred Flints for every Sixty Soldiers and the same proportion for any greater or lesser Number, and the Selectmen of each Town are hereby impowered to raise money by Tax on the Polls and Estates of their Towns for the Purpose aforesaid in the same manner as other Town Charges are Assessed and are to pursue the same rules for collecting the same as are pursued in collecting other Taxes.

And be it further enacted That Officers commanding Divisions Brigades or Regiments may appoint Military Watches or Guards when an Invasion of the State is apprehended in such place and under such Regulations as they may Judge Necessary and all Officers and Soldiers under their Command are to yield strict Obedience to their Orders and Directions.

And whereas there may be frequent Occation upon an Invasion of this or any of the United States to draught Men to serve against the Enemy:

Be it therefore enacted by the Authority aforesaid That when it shall happen that there be an immediate Call for a number of Soldiers to serve in such War and a Sufficient Number not Appearing by voluntary Inlistment for that Purpose: it Shall and may be lawful for the Officers Commanding Regiments on receiving Orders from their Brigadiers to issue Warrants to the Captains of the several Companies to call the same together as soon as Convenient and to draught such a proportion thereof as shall be Specified in their respective Warrants unless a sufficient Number shall then appear by voluntary Inlistment. And

the Commanding Officers of Alarm Companies are upon receiving Orders from their Brigadiers to proceed to draught in like Manner such Number of able-bodied Men as the Brigadier shall direct, The Number of Men to be draughted shall be apportioned by the Major General to the several Brigades and by the Brigadiers to the several Regiments and Alarm Companies in their Respective Brigades and by the Commanding Officer of each Regiment to the several Companies which Compose it.

And be it further enacted That when any person draughted to serve as aforesaid shall refuse or neglect to make a reasonable Excuse to the acceptance of the Majority of the Officers of the Company to which he belongs or to pay into the hands of the Officer by whom he is so draughted the sum of Forty shillings (to be paid to the Selectmen for the purpose of hiring Soldiers) he shall be held and taken to be a Soldier in the service for which he was so draughted, And if any Soldier shall Neglect or refuse to March when ordered thereto according to the Mode prescribed in this Act, unless he produces a Discharge from his Commanding Officer or provides some able-bodied Man in his stead to the Acceptance of the Officer by whom he was so draughted, it shall and may be Lawfull for such Officer and he is hereby Required to confine said Delinquent and send him to some Officer appointed to Act in the Service for which this Delinquent was Draughted

And be it further enacted by the Authority aforesaid That in the absence of the Major General the next Commanding Officer shall make the appointment of Men to be draughted and in Cases of Emergency it may be done by the President and Council in the Recess of the General Court and that in all Cases where the Act requires any Duty from an Officer the next in Command in Case of the Death or Absence of his Superior or Superiors is to perform the same.

And be it further enacted by the Authority aforesaid That the signals for an Alarm are to be fixed by the Captain General and may by him be altered from time to time and proper Notice thereof is to be by him given to the several Officers: And if any Non-Commissioned Officer or Soldier shall upon the Alarm being given unnecessarily neglect to appear properly Armed and equipped at such time and place as the Commanding Officer shall appoint the said Delinquent being either of the Training Band or alarm list shall pay a Fine of Forty shillings and every Soldier ordered to do Duty on a Guard or Military watch who shall neglect or refuse the same shall pay a fine of Six shillings; And all persons serving on said Guards or Military Watches shall be punishable for Misconduct while in such Service by a Court Martial to be appointed by the Commanding Officer of such Guard provided he be a Field Officer and in case he is not then by the Commanding Officer of the Regiment to which the De-

linquent belongs and the Commanding Officer of the watch or Guard may confine him for trial; Provided nevertheless That the Punishment inflicted by Sentence of the Court Martial shall not exceed running the Gantlope or rideing the Wooden Horse.

And be it further enacted by the Authority aforesaid That when any Non-commissioned Officer shall refuse or Neglect to Notify or warn any of the Non-Commissioned Officers or private Soldiers of the Company to which he belongs (being thereto ordered by his Superior Officer) he shall pay a Fine of Twelve Shillings.

And be it further enacted by the Authority aforesaid That every Fine and Forfeiture arriseing by Breach of any Article or clause of this Act for which no special Mode of Recovery has been pointed out may be recovered by Action Bill Plaint or Information in any Court of Record, all Fines and Forfeitures when Recovered shall be paid into the hands of the Selectmen or Treasurer of the Town where such Offender hath his usual place of abode: for hiring Soldiers for the War and purchasing Drums Fifes and other Military Equipments.

And be it further enacted by the Authority aforesaid That in Case of an actual Invasion of this State the whole of the militia thereof that may be ordered out to oppose the Enemy shall from the time of their marching for that purpose be under the Rules and Regulations of the Late Continental Army: Subject however to such orders and Commands as may be given them from the Ligislature of this State and the Officer Commanding the same shall be ameanable to and triable by the Ligislature of this State or by such Court as they may appoint for all Neglect of Duty and for all crimes and Misdemeanors committed by him when acting within the State as also in any other of the United States, unless he shall be annexed to an Army Commanded by a Superior Continental General who may have Sufficient Authority to try and punish the same. And in Case the Militia of this State or any part thereof shall be at any time ordered out to assist in Defence of any other of the United States, the said Militia shall be subject from the time of marching to the time of Return, to the Rules and Regulations of the Late Continental Army.

And that no Failure may happen in any Court Martial appointed by Virtue of this Act.—

Be it Enacted That all Persons called to give Evidence in any Case before such Court who shall refuse to appear or appearing shall refuse to give evidence, shall be Committed to the common goal of the County where such Court is sitting thare to remain Six months unless sooner released therefrom by the Justices of the Superior Court; and the President is to lodge the Accusation against him with the Prison Keeper. The Oath to be

Administered to Witnesses in Court Martial is to be in the following form viz<sup>t</sup>

You Swear, the Evidence you shall give in the Case now in hereing shall be the Truth the whole truth and nothing but the Truth

So help you God.

The Oath administered to Members of the Court Martial previous to Trial is to be in the following Form viz.

You swear that you will well and truly try and impartially determine the cause of the Prisoner now to be tried according to the Rules for regulating the Militia of this State.

So help you God.

## [CHAPTER 26.]

*State of  
New Hampshire.* }

AN ACT IN AMENDMENT OF, AND IN ADDITION TO AN ACT, INTITLED "AN ACT TO PREVENT THE DESTRUCTION OF SALMON, SHAD, & ALEWIVES IN MERRIMAC RIVER, PASSED THE NINTH DAY OF APRIL A D 1784—

[Passed June 26, 1786. Original Acts, vol. 10, p. 67; recorded Acts, vol. 5, p. 263. Laws, 1780 ed., p. 405. Repealed February 6, 1789.]

Whereas the said Act does not in all respect answer the good purpose for which it was made—Therefore be it enacted by the Senate and House of Representatives in General Court convened that from and after the passing this Act no person or persons shall on any day or at any time whatever, catch kill or destroy any Salmon Shad or Alewives within fifty yards of any Milldam or Sluice way in said River or in any Streams mentioned in said Act on penalty of forfeiting forty Shillings for each Fish so caught, killed or destroyed to be recovered and disposed of, in manner, as is in said Act provided—

And whereas the Clause in said Act to prevent obstructions in the River and Streams aforesaid appears insufficient fully to answer the purposes thereby intended—Be it therefore enacted that no person or persons, from the first day of May, to the last day of October annually shall erect or build any Milldam Ware or other Obstruction whatever upon or across the said River Merrimac or the Streams falling into the same, where the said Fish usually pass, or where they have heretofore passed, or shall continue any such Milldam Ware or other Obstruction, whensoever the same may have been, or may hereafter be erected, during or within any part of the time, in which they are above prohibited, so as to hinder the free passage of the said Fish or any of them upon the penalty of twenty Pounds, for every

Dam, Ware or other Obstruction so erected and for every month so continued to be recovered and applied as aforesaid.

And for the more speedy removal of present Obstructions, and the more effectually to prevent like Offences in future Be it hereby enacted by the Authority aforesaid—That the select men for the time being of each & every of the Towns lying upon or adjoining unto the said River Merrimac or any of the Streams or Waters falling into the same where the said Fish usually pass, or have heretofore passed, be and they hereby are fully authorised and impowered, to demolish, carry away or otherwise utterly destroy any such Mill dam, Ware, or other Obstruction whatever that now is or may be erected or continued as aforesaid upon or across said River or any of the Streams aforesaid, which do or may in any manner obstruct or impede the said Fish, or prevent their free passage up, or down the said River or streams, at any time between the first day of May and last day of October annually as aforesaid—The said Select men still having Liberty, in their own Name, to prosecute any person or persons, who have caught, killed or destroyed any Fish erected any Milldam, Ware or other Obstruction, contrary to this Act, and recover and apply such fines in manner as is in said Act directed—

And be it further enacted that the Select men aforesaid shall be under oath for the faithfull discharge of their duty in putting this Act, and every part thereof in due Execution—

And be it further enacted that if any Select man as aforesaid shall neglect his Duty in this respect, or refuse to put this Law in Execution, for the space of two days after a Complaint made to him by any two Inhabitants of the respective Towns aforesaid, he shall forfeit and pay the Sum of Forty pounds for each Offence to be recovered and applied as aforesaid

And be it further enacted that if any Select man or men, or any other person employed by them for the purposes aforesaid, shall be prosecuted, sued or molested, for or in Consequence of having destroyed or removed, any such Mill dam, Ware or other obstruction in pursuance of this Act, He may on Trial, for the same, plead the General Issue and give this Act in Evidence which shall be deemed a complete and final Bar—

## [CHAPTER 27.]

*State of  
New Hampshire.* }

## AN ACT FOR THE APPOINTMENT OF SPECIAL JUSTICES.

[Passed June 26, 1786. Original Acts, vol. 10, p. 66; recorded Acts, vol. 5, p. 256. Laws, 1780 ed., p. 402; Perpetual Laws, 1789 ed., p. 37; Laws, 1792 ed., p. 77. Re-pealed June 18, 1805.]

Whereas it sometimes happens, that some of the standing Justices of the Superior or inferior Court in this State, are indisposed, interested, or otherwise incompetent to try Causes, which may come, or be before them; in which cases special Justices are necessary, to expedite the due Administration of Justice—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that in either of the cases above mentioned, upon the application and request of either party interested in the Suit, or the Suggestion of the Justices of the Court before whom such suit is pending, or may come; His Excellency the President, with advice of Council, be and hereby is authorised & impowered, to appoint a special Justice or Justices, as occasion may require, who shall be duly commissioned and sworn, and shall take cognizance of and try, all causes which either of the standing Justices are incompetent to try. And the said Commission shall be in force, until the Cause or causes before said special Justice or Justices are determined, and no longer. any Law custom or Usage to the contrary notwithstanding—

## [CHAPTER 28.]

*State of  
New Hampshire.* }

## AN ACT, TO ENABLE MARY &amp; ASA ROBINSON OF PEMBROOK, TO SELL THE REAL ESTATE OF PETER ROBINSON WHO IS INCOMPETENT TO DO THE SAME

[Passed June 27, 1786. Original Acts, vol. 10, p. 69; recorded Acts, vol. 5, p. 278.]

Whereas Mary Robinson of Pembrook in the County of Rockingham, Wife of Peter Robinson, and Asa Robinson of the same Pembrook, Son of the said Peter, have petitioned this Court setting forth that the said Peter, hath for several Years last past, been deprived of his Health and Reason, without the least prospect of a Recovery, and that debts are due from the said Peter, which cannot be discharged without selling his Real

Estate, And praying for power to sell the same accordingly; Which prayer appearing reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court convened; That the said Mary Robinson and Asa Robinson be, and they hereby are fully authorised and empowered to sell & convey the whole or any part or parts of the said Peter Robinson's real Estate, as shall be found most convenient or necessary for the purposes aforesaid, and to make & execute such Deeds of Bargain and Sale as shall be requisite thereto: Which Deeds by the said Mary & Asa, so executed, shall be held, deemed and considered in every Respect, as good and effectual, as if made and executed by the said Peter Robinson himself, when free from any Disorder of mind or Body whatever—

Provided nevertheless that the said Asa Robinson shall, before any Sale as aforesaid, give Bond with two sufficient Sureties, in the sum of one Thousand pounds, to the Judge of probate, for the said County of Rockingham, for such Support and provision for his father the said Peter Robinson, during his natural Life, as his particular Situation and Circumstances may render just and necessary: and also for the true and faithful Payment and discharge of all just debts and demands against the said Peter Robinson that may appear:—And the said Asa is hereby empowered in behalf of the said Peter, to defend and Contest any such debts or Demands as aforesaid, and upon legal proof thereof, to pay the same and give proper Discharges thereupon accordingly—

## [CHAPTER 29.]

*State of  
New Hampshire.* }

### AN ACT FOR APPROPRIATING CERTAIN MONIES ARISING BY ACTS OF THIS STATE

[Passed June 27, 1786. Original Acts, vol. 10, p. 68; recorded Acts, vol. 5, p. 277. Laws, 1780 ed., p. 418; Perpetual Laws, 1789 ed., p. 218. See act of February 28, 1786.]

Whereas there is no appropriation of certain sums granted by Acts of this State, for payment of the continental debt, and for supporting the civil Government of this State—

Therefore be it enacted, that all monies arising by any Acts or Laws of this State, for duties on imports, & exports, and for levying duties on tonnage, poundage, and for raising powder and Light money; be paid by the respective Officers collecting the same into the Treasury of this State and that all monies paid into the Treasury by virtue of an Act passed the 28<sup>th</sup> day of

February 1786 entitled "an Act for supplying the Treasury of this State with ten thousand five hundred pounds for the purpose of discharging the specie part of a requisition of Congress of the 27<sup>th</sup> of September last said to be this State's quota of the Interest of the foreign debt of the United States be paid by the Treasurer to the Continental Loan officer within this State from time to time as the same may be collected the said Treasurer taking a receipt or receipts for the same—

VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of  
New Hampshire.* }

In the House of Representatives, June 13, 1786.

Whereas an Act passed the General Court of this State June 21<sup>st</sup> 1785 Intitled an Act for the admeasurement of Boards & for Regulating the tale of Shingles, Clapboards Hoops and Staves & for other purposes therein mentioned—which Act did take place the first day of this present month—And whereas it is now found that large quantities of Lumber are now lying upon hand which cannot be exported while this Act continues in force—Therefore in order to allow the citizens of this State time to export the Lumber now on hand—Resolved that the aforementioned Act be Suspended until the Second Wednesday of the next Session of the General Court.

Senate concurred June 14, 1786.

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*State of  
New Hampshire.* }

In the House of Representatives, June 14, 1786.

Voted that the Honb<sup>l</sup> Nath<sup>l</sup> Peabody Esq<sup>r</sup> who was appointed a Delegate from this State to the Congress of the United States for the Current year be recalled and that his Excellency the President be desired to notify him thereof—

Senate concurred June 14, 1786.

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*State of  
New Hampshire.* }

In the House of Representatives, June 17, 1786.

The Committee to consider what alterations are necessary in the Establishment of Post riders—Reported that one Post leave Portsmouth on Monday and proceed through Exeter, Nottingham Concord & Plymouth to Haverhill thence down the river road to Charlestown thence through Keene Amherst Merrimac Londonderry Chester & Exeter to Portsmouth which Tour is to be performed once every fortnight.



That another Post sett off every other Monday from Portsmouth and thence proceed through New Market Durham, Dover, Rochester, Wakefield, Ossippee Gore & Tamworth to Moultonborough, thence through Merideth, Gilmantown Barnstead Barrington & Dover to Portsmouth—That the Resolve now in force respecting the Post riders be repealed and that the further provision for the Support of the Post riders be postponed to next Session—

In Senate, June 19, 1786.

A Vote for the regulation of Post Riders, was brought up and concurred, reconsidered and concurred with this amendment that the rout of the western post be reversed every fortnight.

*State of  
New Hampshire.* }

In Senate, June 19, 1786.

Whereas it appears that raising Independent Companies of Light Horse greatly interferes with and obstructs the compleating the regiments of Light Horse in this State

Therefore Voted that his Excellency the President with advice of Council be requested to recall commissions already issued for raising such Independant companies. And that his Excellency the President be desired to prevent any commissions for that purpose being issued untill the further order of the General Court.

House of Representatives concurred June 20, 1786.

*State of  
New Hampshire.* }

In Senate, June 13, 1786.

Resolved that the brigades of Militia now commanded by the following Brigadiers, viz. Cilley Moulton and Reid constitute one division, and be commanded by a Major General to be appointed agreeably to the Constitution for that purpose; and that the Brigades now commanded by the following Brigadiers viz. Bellows Dow and Blanchard constitute another division and be commanded by a Major General to be appointed as aforesaid.

House of Representatives concurred June 20, 1786.

*State of  
New Hampshire.* }

In the House of Representatives, June 23, 1786.

The Committee to devise standards for the respective Corps of Horse and foot in this State. Reported that the field of the Flag be a dark purple on a white ground, an oval shield in the middle incircled with Laurel within which is to be the following devise (viz) a man armed at all points in a posture of defence, his hand on his Sword, the sword half drawn

The Motto—Freedom not Conquest—

Thirteen Silver Stars dispersed over the field of the Standard and properly arranged so as to encircle the device and motto—The Number of Each Regiment to be marked on its Standard.

The Standard of the light Horse and Artillery the Same except the device, on that of the Horse is to be a man on Horse back completely Armed with his hand on a Pistol—And the device of the Artillery a Cannonier in Uniform with a lighted match standing near a field piece properly pointed, and the motto the Same as for the Horse and foot before mentioned—

For the Alarm companies the Standards are to be the Same only instead of being numbred the words, alarm company, are to be on the Flag of the Standards—

Senate concurred June 23, 1786.

*State of  
New Hampshire.* }

In the House of Representatives, June 13, 1786.

Resolved that the operation of the Act intitled an Act for the Regulation of Navigation & Commerce passed June 23<sup>d</sup> 1785 be and hereby is Suspended till all the States in the Union pass Similar Acts.

Senate concurred June 24, 1786.

*State of  
New Hampshire.* }

In Senate, June 24, 1786.

Voted that his Excellency the President with advice of Council be requested to Appoint a day to be observed as a day of public Thanksgiving throughout this State the approaching fall and issue a proclamation for that purpose.

House of Representatives concurred June 27, 1786.

*State of  
New Hampshire.* }

In Senate, June 27, 1786.

Resolved that the Treasurer of the State and the commissioners of continental Accounts be and hereby are empowered to pursue such measures as they may Judge most expedient relative to for taking in final settlement securities; and also for issuing out or disposing of any Interest Certificates, now in the Treasury and render an Account of their proceedings to the General Court at the next Session and that they from time to time advise with the President and Council upon the measures to be adopted.

House of Representatives concurred June 27, 1786.

[*Second Session, Held at Exeter, September 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 1786.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE THE PROPERTY AND POSSESSION OF THE ESTATE OF CHARLES HENZELL ESQ<sup>r</sup> AND ENABLE HIM TO IMPROVE OR CONVEY THE SAME.

[Passed September 13, 1786. Original Acts, vol. 10, p. 70; recorded Acts, vol. 5, p. 279.]

Whereas Charles Henzell Esq<sup>r</sup> hath petitioned the General Court representing, that, he owned the Island commonly called Adams's Island in Portsmouth and divers other tracts of land situate within this State, that the same had been sequestered by the Legislature of the State, that, as the said Charles Henzell was absent in Europe long before the War between Great-Britain and the United States began, and as he is a friend to the Revolution he prayed that his estate might be restored to him and that he might be enabled to improve or convey the same as occasion might require. The prayer of which petition after a fair hearing thereon appearing reasonable, Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, that the Sequestration Acts or any other laws of this State ordering the taking or withholding any real Estate which belonged to the said Charles Henzell situate within this State on account of his absence or for any other cause so far as the said acts and laws respect his said lands and real Estate, shall be and hereby are repealed; and that the property and possession of the said lands and real estate be and hereby are restored to the said Charles Henzell his heirs and assigns and that he or they be and hereby are empowered to improve or convey the same lands and real estate as occasion may require. Any law Custom or usage to the contrary notwithstanding.

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SEVENTY THOUSAND TWO HUNDRED AND SEVENTY SEVEN DOLLARS AND ONE THIRD OF A DOLLAR FOR THE PURPOSE OF DISCHARGING THAT PART OF THE REQUISITION OF CONGRESS OF THE TWENTY SEVENTH OF SEPTEMBER 1785, WHICH IS TO BE PAID IN FACILITIES—

[Passed September 14, 1786. Original Acts, vol. 10, p. 71; recorded Acts, vol. 5, p. 281. Laws, 1780 ed., p. 419.]

Whereas Congress by their requisition aforesaid, have requested from this State, One hundred and five Thousand Dollars, which by said requisition is said to be that part of the Interest, which is this States proportion of the foreign and domestic debt: whereof ten thousand five hundred pounds, was assessed by the Act passed February 28<sup>th</sup> 1786, and the residue remains stil to be raised—

Therefore be it enacted, by the Senate and House of Representatives, in General Court convened; That the Sum of Seventy Thousand, two hundred, and Seventy seven dollars and one third of a dollar, be and hereby is granted, to be paid into the Treasury of this State in certificates issued for Interest on Continental Securities, on or before the first day of January 1787, which Sum shall be assessed and levied on the polls and rateable Estates within this State, agreeably to the last proportion of Taxes, for the several Towns, and places in this State: And the Treasurer of this State is hereby directed and required, forthwith to issue his Warrants, for Collecting and paying the same into the Treasury on or before the first day of January next.—

And be it further enacted that the Treasurer be and hereby is empowered, and directed, to pay into the hands of the Loan Officer, the aforesaid sum of Seventy thousand two hundred and seventy seven dollars and one third of a dollar which are assessed by this Act, taking the said Loan Officers receipt for the same—

## [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT IN COMPLIANCE WITH THE TREATY OF PEACE BETWEEN THE UNITED STATES AND HIS BRITANNIC MAJESTY, AND WITH THE RECOMMENDATION OF CONGRESS OF THE 14TH OF JANUARY 1784 FOUNDED THEREON.

[Passed September 15, 1786. Original Acts, vol. 10, p. 72; recorded Acts, vol. 5, p. 282. Laws, 1780 ed., p. 420; Perpetual Laws, 1789 ed., p. 162. Repeals acts of November 19, 1778, November 28, 1778, March 18, 1780 and June 9, 1780.]

Whereas several acts and laws, during the late war with Great Britain were passed by this State, which are found to be uncompatible with the definitive Treaty of Peace and friendship—And Whereas Congress did on the 14<sup>th</sup> day of January 1784 earnestly recommend to the Legislatures of the respective States to reconsider and revise all their acts and laws respecting the promises, so as to render such acts and laws perfectly consistent not only with justice and equity, but with that spirit of conciliation which on the return of the blessings of Peace should universally prevail.

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that, the fourth article of the s<sup>d</sup> definitive Treaty Viz. “It is agreed that the Creditors on either side shall meet with no lawful impediment to the recovery of the full value in Sterling money of all Bona Fide debts heretofore contracted.” Be complied with as far as it respects this State and that the Subjects of His Britannic Majesty shall meet with no lawful impediment to the recovery of any such debts but shall have a right to recover the same in the manner and way solemnly stipulated in said article. And Be it further Enacted that in case any of the estates rights and properties of any real British Subjects, or any of the estates rights and properties of any person or persons resident in any district or districts which were in the possession of his Britannic Majesty’s army between the 30<sup>th</sup> day of November 1782 and the 14<sup>th</sup> day of January 1784 and who have not borne arms against the United States, shall have been confiscated; the act or acts so confiscating, shall be and hereby are repealed, and persons of any other description shall have free liberty to go to any part or parts of this State (provided that within fourteen days after their first arrival they lodge their names in the Secretary office) and to reside in any town place or district herein during the space of one year, to commence from the day of their first arrival in this State; and no longer and to remain unmolested in their

endeavors to obtain the Restitution of such of their estates rights and properties as have been confiscated. And be it further Enacted by the authority afores<sup>d</sup> that the act of this State passed the 19<sup>th</sup> day of November 1778 entitled "An Act to prevent the return to this State of certain persons therein named, and of others who have left or shall leave this State or other of the United States of America & have joined or shall join the Enemies thereof" so far as the same militates with the said articles of Peace, also the act passed the 28<sup>th</sup> day of November 1778 entitled "An Act to confiscate the Estates of Sundry persons therein named." together with the additional acts to the said two acts and all other acts and resolves of this State so far as they militate with or are repugnant to the spirit and meaning of said Treaty of Peace and friendship between the United States & his Britannic Majesty shall be and hereby are repealed & made void.

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT FOR ALTERING, REPAIRING AND MAKING FIT FOR THE PASSING OF CARTS & WAGGONS THE ROAD FROM THE TOWN OF CONWAY TO THE UPPER COHAS AND ALSO FOR CUTTING A NEW ROAD FROM THE SAID ROAD WHICH IS NOW USED TO THE TOWN OF GUNTHWAITE OR TO THE TOWN OF LITTLETON FORMERLY CALLED APTHORP

[Passed September 22, 1786. Original Acts, vol. 10, p. 73; recorded Acts, vol. 5, p. 283. Laws, 1780 ed., p. 422. Repealed by act of December 8, 1796.]

Whereas it has been Represented to this Court that the Road leading from the Town of Conway to the upper Cohas is so much damaged by late Inundations & otherways obstructed that the same is impassable whereby the Inhabitants of that part of the State suffer great Inconveniencies and hardships, and also that a Road is wanted to pass from the Said Road to the Town of Gunthwait or the Town of Littleton

Therefore be it enacted by the Senate and House of Representatives in General Court Convend, that Col. Edwards Bucknam of Lancaster, Col John McDuffee of Rochester & Col. Andrew McMillan of Conway be a Committee to view the said Road and cause the Same to be repaired and altered where it appears necessary; And also to cut the said New Road if they shall find the Same of public Utility and necessary for that part of the State; And that they be and they hereby are Authorised to sell at Public Vendue a quantity of unappropriated Lands not exceeding Two thousand Acres lying

near said Road and apply the proceeds thereof to the Repairs of the Same, and that they sell of the land through which the said New Road shall pass, whether the same be located or not, so much as shall be necessary for the Making thereof, the said lands to be sold in lots of One hundred Acres each for the conveniency of such purchasers as may be inclind to perform the Labour on said Roads, And the Said Committee are hereby empowerd to execute good and Valid Deeds thereof to the purchasers and that they make return of their doings to the General Court as soon as may be—

[CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT FOR FORMING & REGULATING THE MILITIA WITHIN THIS STATE, & FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE”

[Passed September 23, 1786. Original Acts, vol. 10, p. 74; recorded Acts, vol. 5, p. 286. Laws, 1780 ed., p. 423; Perpetual Laws, 1789 ed., p. 125; Laws, 1792 ed., p. 368. The act referred to is dated June 24, 1786.]

Whereas the fine laid by said Act upon soldiers for not appearing on days of parade is not sufficient to answer the good intention of the same Therefore

Be it enacted by the Senate & House of Representatives in General Court convened—that instead of the fine of three shillings therein mentioned—each soldier who after being notified as in & by said Act is directed, shall neglect to appear with his arms & accoutrements agreeably to the notification given him, he shall for the first offence pay a fine of six shillings, & for the second offence, being the next in course, the sum of nine shillings & for each offence afterwards being in course, the sum of twelve shillings, until there shall be a due appearance of such soldier which fines may be collected as in & by said act is directed.

## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE & IMPOWER EBENEZER HARVEY OF CHESTERFIELD IN SAID STATE, TO COMPLEAT THE COLLECTION OF TAXES IN SAID TOWN FOR THE YEARS ONE THOUSAND SEVEN HUNDRED & EIGHTY ONE & ONE THOUSAND SEVEN HUNDRED & EIGHTY THREE

[Passed September 23, 1786. Original Acts, vol. 10, p. 75; recorded Acts, vol. 5, p. 284.]

Whereas the Selectmen of the Town of Chesterfield in said State, have petitioned the General Court, setting forth that Samuel King late of said Chesterfield deceased was appointed Constable in said Town for the years Seventeen hundred & Eighty one and Seventeen hundred and Eighty Three—That said King did not in his life time fully compleat the collection of Taxes—That he constituted Ebenezer Harvey aforesaid sole Executor of his last will and Testament.

And therefore prayed that the said Ebenezer Harvey might be fully authorized & empowered to compleat the collection of said Taxes.

Whereupon, after considering said Petition the facts appeared to be true & the prayer reasonable—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that Ebenezer Harvey of Chesterfield aforesaid be & he hereby is fully Authorized & empowered to collect and compleat the collection of all Taxes in said Town of Chesterfield for the year Seventeen hundred & Eighty one and the Year Seventeen hundred and Eighty three, which were committed to the said King to collect under the Authority of this State and remained uncollected at the time of his decease.

And the said Harvey is hereby vested with all the power and Authority for collecting said Taxes that any constables or collectors in their respective precincts by law are empowered to do. And he shall take an Oath to be administered to him by a Justice of the peace for his faithful discharge of said trust & office. And he shall pay the Money so collected by him into the Treasury of the State, County, or Town Treasuries, agreeably to the Warrants committed to said King: And shall be liable to be proceeded against for any neglect or default in the execution of said office & trust in the same way and manner, as Constables are liable to be proceeded with for default or neglect of their duty & trust.



VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In Senate, September 18, 1786.

Resolved that for all out Standing Taxes payable in Certificates the Treasurer be and hereby is directed to receive final Settlement Securities on which no Interest has been paid at the rate of Six Shillings and eight pence on the pound—and those on which Interest has been paid up to the 31<sup>st</sup> day of December 1784 at the rate of five Shillings on the pound until further order of the General Court any thing in the Act passed Feb<sup>r</sup> 28<sup>th</sup> 1786, to the contrary notwithstanding.

House of Representatives concurred September 18, 1786.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, September 20, 1786.

Voted that his Excellency the President be desired to call forth a Sufficient number of the Militia to protect the General Court in their present Session—

Senate concurred September 20, 1786.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, September 20, 1786.

Voted that the President be requested to return the thanks of both Houses to the brave Officers and Soldiers of the Militia for the great zeal and Alacrity they have discovered in Supporting the constitutional Authority of the State and for displaying a Spirit of Patriotism and public virtue, which, while it affords the highest Satisfaction to the Legislature merits the Acknowledgement of every good citizen of this State.

Senate concurred September 21, 1786.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, September 22, 1786.

Whereas by a Resolve of the General Court passed the 17<sup>th</sup> day of June Ann<sup>o</sup> Dom<sup>i</sup> one thousand Seven hundred and Eighty five it was Resolved that there should be two Regiments of light Horse raised in this State and organized as therein set forth, and whereas it is found necessary that there should be three Regiments of Light Horse raised in this State instead of the two Regiments mentioned—Therefore be it Resolved by the Senate & House of Representatives that there

should be three Regiments of light horse raised in this State instead of the two Regiments mentioned in the aforesaid Resolve, to wit. one Regiment in the Easterly part of this State, one in the center upon Merrimac River and one upon Connecticut River which Regiment shall consist of the Same number of Companies each, & each company to consist of the Same number & Rank of Officers and the Same number of privates mentioned in the aforesaid Resolve.

Senate concurred September 23, 1786.

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*State of  
New Hampshire.* }

In the House of Representatives, September 23, 1786.

Resolved that his Excellency the President be impowered to draw out of the Treasury the Sum of two hundred pounds to be by him advanced as he shall think fit towards payment of the necessary expenditures in calling in the Militia to Suppress the late insurrection, to be respectively accounted for by those who shall receive the Same on Settlement of their Accounts by the General Court—

Senate concurred September 23, 1786.

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*State of  
New Hampshire.* }

In the House of Representatives, September 23, 1786.

Voted that in any high handed riot, insurrection or Attempt to obstruct the Courts of Justice, or to release any persons in this State the President may and is hereby fully impowered to call forth a Sufficient number of the Militia to quell the Same and to preserve the peace and good order of this State—

Senate concurred September 23, 1786

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*State of  
New Hampshire.* }

In the House of Representatives, September 23, 1786.

Voted that John M<sup>c</sup>Kean, James Cochran, Thomas Cotton, John Gregg and David Batcheldor now in custody for disorderly, Contemptuous and riotous behaviour to the Legislature be delivered over to the Superior Court in order that they may be indicted and tried for a Riot and a Riot only and that the Superior Court be desired to proceed accordingly—

Senate concurred September 23, 1786.

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*State of  
New Hampshire.* }

In the House of Representatives, September 19, 1786.

Voted that the Treasurer be directed to issue Certificates for Twenty five p<sup>r</sup> Cent of the Principal of all state Securities in addition to the

Certificates for Interest to any person or persons that are holders of said Securities that may request the Same and that said Certificates be received in payment of all state Taxes which are payable in facilities—

Senate concurred September 25 with an amendment substituting 15 for 25 per cent.

[*Third Session, Held at Portsmouth, December 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 1786; January 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 1787.*]

## [CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE SEVERAL TOWNS AND PARISHES IN THIS STATE TO CHUSE NEW CONSTABLES AND COLLECTORS IN ROOM OF SUCH CONSTABLES & COLLECTORS AS HAVE DECEASED OR MAY HEREAFTER DECEASE, OR HAVE ABSCONDED OR SHALL HEREAFTER ABSCOND WITHOUT COMPLETING THE COLLECTION OF THE TAXES COMMITTED TO THEM; AND TO AUTHORIZE SUCH NEW ELECTED CONSTABLES & COLLECTORS TO COMPLETE SUCH COLLECTION.

[Passed December 25, 1786. Original Acts, vol. 10, p. 76; recorded Acts, vol. 5, p. 286. Laws, 1780 ed., p. 424; Perpetual Laws, 1789 ed., p. 183. Repealed June 20, 1792.]

Whereas by the decease of Constables & Collectors before the collection of the Taxes to them committed is completed great injuries often arise to the public. And by the absconding of Constables & Collectors without having collected the Taxes to them committed equal injuries may happen.

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that upon the decease of any Constable or Collector to whom any Rate list or Rate lists have\* or shall be committed which remain in whole or in part uncollected, the Select men of such Town or Parish be and hereby are empowered to notify a meeting of the Inhabitants qualified by law to Vote in the choice of Constables and Collectors and to proceed to the choice of a new Constable or Collector who is hereby empowered to levy and collect such Taxes as remain outstanding at the time of the decease of the former Constable or Collector in the same manner as other Constables or Collectors are by law empowered to do.

And be it further enacted that the Selectmen of such Towns and Parishes as are authorised by the respective Towns and Parishes may agree with any person or persons to complete the collection of such Taxes as may remain outstanding as aforesaid,

and the person or persons so agreed with is hereby impowered to levy and collect the same as fully and effectually as any Constable or Collector is by law Authorised to do by the Laws of this State and shall be answerable for the Taxes outstanding at the time of the Death of the former Constable or Collector in the same manner as other Collectors are by law answerable for the Taxes committed to them to collect. And the Executor or Administrator of the former Constable or Collector shall be answerable for all Sums received by their Testator or Intestate in his life time.—

And be it further enacted that when any Constable or Collector shall abscond without having collected the Taxes to them committed other Constables or Collectors may be appointed in the manner aforesaid to complete the collection and shall have all the power and authority given to other Collectors of Taxes by the Laws of this State.

## [CHAPTER 2.]

*State of  
New Hampshire.* }

### AN ACT TO RESTORE ELIZABETH LAMSON TO HER LAW—

[Passed December 25, 1786. Original Acts, vol. 10, p. 77; recorded Acts, vol. 5, p. 288.]

Whereas Elizabeth Lamson of Exeter in the County of Rockingham Widow, hath Petitioned the General Court setting forth,—That she is Administratrix of the Estate of John Lamson late of Exeter aforesaid Physician deceased—That the said John at the time of his death owed to Jonathan Tilton of Kensington in said County Fifty pounds, for which sum he had given said Tilton his Note of hand—That said Tilton in the Year 1777 call'd on the Petitioner for the Money due on said Note—That the Petitioner, in consequence of the earnest application of said Tilton, call'd on Persons indebted to the said John's Estate, & received from them monies which had long been due to said Estate, & paid to said Tilton twenty seven pounds fifteen shillings in part of said Note, which sum was indorsed on the same—That the said Tilton commenced an Action against the Petitioner to be heard & tried at the Inferior Court of Common Pleas held at Portsmouth on the first Tuesday of February last—That the Petitioner by her Agent applied to an Attorney to take care of said Action at said Court, who not recollecting said application suffered the Petitioner to be defaulted, & Judgment was rendered against her for the sum of said Note, with the interest thereon, deducting nine pounds only, for the twenty seven pounds fifteen shillings indorsed as aforesaid—And Praying to be restored to

her law, that the default aforesaid, might be taken off, & that she might be allowed to appeal from the Judgment of the Court aforesaid to the Superior Court—which appearing just & reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court Convened, that the said Elizabeth Lamson be restored to her law, that the default aforesaid be taken off, & that she be permitted to carry the Action aforesaid in which the Judgment aforesaid was obtained to the Superior Court of Judicature next to be holden at Portsmouth in the County of Rockingham on the fourth Tuesday of April next, & to enter the same there, & there to defend said Action until final Judgment therein, in as full & ample a manner as if she had not been defaulted in the same, and it now stood open for trial—And the Justices of said Superior Court of Judicature are hereby authorised impowered and directed to take cognizance of, & sustain the same, in the same manner they might have done had the said Elizabeth not been defaulted, & the Action been regularly appealed—Any Law Usage or custom to the Contrary notwithstanding—

### [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE UNITED STATES IN CONGRESS ASSEMBLED,  
WITH FULL POWER TO REGULATE TRADE, AND ENTER INTO  
TREATIES OF COMMERCE.—

[Passed December 28, 1786. Original Acts, vol. 10, p. 78; recorded Acts, vol. 5, p. 289. Laws, 1780 ed., p. 425. Repeals acts of November 5, 1784, June 23, 1785, and June 19, 1786. Repealed by act of June 20, 1792.]

Whereas Treaties of Commerce, and a due regulation of Trade, through the United States of America are become absolutely necessary: Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That the United States in Congress assembled, be, and they hereby are vested with full power and authority, on the part and behalf of this State, to make and enter into such general Ordinances and Treaties, for the due regulation of the Trade and Commerce of the United States, as they may judge best calculated to promote the weal and prosperity thereof.

And be it further enacted. That all the Fees profits and emoluments, arising from such regulations of Trade and Treaties of Commerce, shall be appropriated to the Sole use of discharging the public debt.—

And be it further enacted, That the United States in Congress assembled be and hereby are vested with full power to prohibit any Goods Wares, or Merchandize from being imported into or exported from this State in Vessels belonging to or navigated by the Subjects of any power with whom the United States have not formed treaties of Commerce.—

And be it further enacted that the United States in Congress assembled be, and hereby are vested with power to prohibit the Subjects of any foreign State, Kingdom or Empire unless authorized by treaty from importing into this State any Goods Wares, or Merchandize which are not the produce or manufacture of the dominion of the Sovereign whose Subjects they are.— Provided that the operation of this Act and every part thereof shall be suspended until Congress shall begin to exercise the before mentioned powers, at which time the operation of this Act shall commence and shall continue and be in force for the term of fifteen years from that time and no longer.—

And be it further enacted that An Act of this State entitled "An Act to invest the United States in Congress assembled "with Additional powers for a limited time." passed the 5<sup>th</sup> November 1784: And another Act passed the 23<sup>d</sup> June 1785, intitled, "An Act to vest the United States in Congress Assembled with full power to regulate Trade, and enter into "treaties of Commerce:"—Also another Act passed the 19<sup>th</sup> June 1786, intitled, "An Act to vest the United States in Congress assembled with full powers to regulate commerce:" be and hereby are repealed.

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

#### AN ACT FOR ALTERING THE TIME OF HOLDING THE ANNUAL MEETING IN THE TOWN OF STODDARD IN SAID STATE—

[Passed December 30, 1786. Original Acts, vol. 10, p. 79; recorded Acts, vol. 5, p. 293.]

Whereas Jacob Copland hath Petitioned the General Court in behalf of the Town of Stoddard in Said State Setting forth that heretofore the Said Town of Stoddard have held their annual Meetings on the last thursday of March annually which being inconvenient & Praying that in future their Annual Meetings for the Choice of Town Officers may be held on the first Monday of March, Annually which Prayer appearing Reasonable—

Therefore be it Enacted by the Senate & House of Representatives in General Court Convened that the Annual Meetings

in & for the s<sup>d</sup> town of Stoddard for the Choice of Town Officers & other necessary buisness Shall forever hereafter be held on the first Monday of March Annually

[CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE INHABITANTS OF NEW HAMPTON TO CHUSE A CONSTABLE OR THE SELECTMEN FOR THE TIME BEING, TO APPOINT A COLLECTOR AND GIVE HIM A WARRANT FOR THE COLLECTION OF OUTSTANDING TAXES.

[Passed December 30, 1786. Original Acts, vol. 10, p. 80; recorded Acts, vol. 5, p. 292.]

Whereas the inhabitants of New Hampton in the county of Strafford in said State have petitioned the General Court representing, That, the Selectmen of New Hampton aforesaid for the year 1784 assessed the inhabitants to the State, County and Town Taxes and committed a List thereof accordingly to one Peasey Hoit, to collect, without giving him any Warrant therefor, by means of which omission, the same taxes remain uncollected, and must continue so; unless the Inhabitants be empowered to choose, a Constable, or some other Selectmen for said Town to appoint a Collector therefor, Wherefore the said inhabitants prayed that they might be empowered to chuse a Constable or the Selectmen of said Town for the time being, to appoint a Collector of said Taxes and give a sufficient Warrant for that purpose.—The prayer of which petition, after a full hearing thereof, appearing reasonable—Therefore Be it Enacted by the Senate and House of Representatives in General Court conven'd, That the inhabitants of New Hampton aforesaid be and hereby are empowered to chuse a Constable or the Selectmen of said Town for the time being to appoint a Collector of said Taxes and give a sufficient Warrant for that purpose: And that the Constable so to be chosen or Collector to be so appointed, shall be and hereby is empowered to collect the same taxes, and be accountable therefor, in like manner, as Constables and Collectors in other cases, are by y<sup>e</sup> Laws of this State, any law usage or custom to the contrary notwithstanding.

## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE EXECUTORS OF THE LAST WILL OF  
ABIATHAR WINN DEC<sup>d</sup> TO SELL A CERTAIN TRACT OF LAND  
IN NOTTINGHAM WEST, WHICH BELONGED TO THE TESTATOR.

[Passed December 30, 1786. Original Acts, vol. 10, p. 81; recorded Acts, vol. 5, p. 291.]

Whereas William Burnes of Nottingham West in the County of Hillsborough & State of New Hampshire yeoman and Abigail his Wife, Executors of the last Will and Testament of Abiathar Winn late of said Nottingham West dec<sup>d</sup> have petitioned the General Court, setting forth, that the said Abiathar Winn, by his last Will and Testament empowered his said Executors to sell so much of his real Estate as would be sufficient to pay his debts and all demands against said Estate: That the Selling so much and no more, than would discharge the said debts and demands would materially injure the remainder of said real Estate,—They Therefore prayed that a tract of land situate in said Nottingham West, containing Seventy acres more or less with the buildings thereon, lying Easterly on the public Highway and Westerly on Merrimac River, part of the estate of the said Abiathar might be sold by them. The prayer of which petition appearing reasonable, Therefore Be it Enacted by the Senate and House of Representatives in General Court conven'd, That the said William Burns and Abigail his wife as Executors aforesaid or the Survivor of them be and hereby are empowered to sell and convey the said Tract of Land with the Buildings thereon for the most the same will fetch, and to make and execute good and valid deed or deeds of the same to the purchaser or purchasers thereof—The said Executors first giving Bond with sufficient Sureties to the Judge of Probate for said County that the monies arising from said Sale shall be applied for the payment of the debts and demands upon the estate of the said Testator and that the overplus be paid to the Guardian, of the Devisees, mentioned in the last Will and Testament of the said Testator, for the use of said Devisees, according to the true intent of said Testator—for which the said Guardian shall be accountable as Guardians in other cases are by Law accountable.



## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE MARY HART TO SELL THE INTEREST OF THE CHILDREN OF HER LATE HUSBAND JAMES HART IN THE ESTATE OF THEIR GRANDFATHER THOMAS HART DEC<sup>d</sup>

[Passed January 1, 1787. Original Acts, vol. 10, p. 82; recorded Acts, vol. 5, p. 296. See act of February 21, 1785.]

Whereas Mary Hart of Portsmouth in the County of Rockingham in said State Widow of James Hart late of Portsmouth in said County Mariner deceas'd, hath petitioned the General Court, setting forth, That by the death of her husband about seven years ago, the whole care and charge of supporting her children, one of whom was an infant at the breast, and the other but two years old rested upon her, that She has struggled with innumerable difficulties to maintain them, and herself with decency—That their increasing years have added to the weight of the charge; and that, She now finds herself unable any longer to support it: That the father of her husband aforesaid, died sometime after her said husband, by whose death a proportional part of his estate descended to her said children. This part, being one Sixth, is involved with the right of others, and at present is almost entirely unproductive, and probably in the future, will afford them little or no annual Rent. She therefore prayed the interposition of the Legislature and that the General Court would enable her to sell and convey her childrens sixth part for their support and education.

The prayer of which after a full hearing thereof appearing reasonable, Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, That, the said Mary Hart be and hereby is fully empowered to sell and convey the right and interest of her said children in the estate of their said Grandfather, and to make and execute to the purchaser or purchasers thereof good and valid deed or deeds of the same as occasion may require; first giving to the Judge of Probate for said county Bond with sufficient Sureties to account for the application of the monies arising from the Sale of said interest according to the design of this act.

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO EXEMPT SUNDRY PERSONS HEREINAFTER MENTIONED  
FROM SERVING IN THE TRAIN BAND.

[Passed January 3, 1787. Original Acts, vol. 10, p. 83; recorded Acts, vol. 5, p. 294.]

Whereas the Town of Portsmouth is peculiarly liable to Fires from the many Wooden Tennements and other buildings in said Town, for the security of which the Inhabitants have at great cost provided a number of Engines for extinguishing fire; and it being found necessary to the safety of said Town that a number of Men should be appointed to the care of said Engines that they may be alway ready for service and to work the same in case of fire breaking out in any of the buildings aforesaid.—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened, That James Grouard, James Haslet Mark Seavy, John Sherburne, Ephraim Dennett, Samuel Cotton, James Davenport, Charles Caverley, James Grouard jun<sup>r</sup> of Engine Numbered One.—Jeremiah Hill, Solomon Cotton, Peter Babb jun<sup>r</sup>, Thomas Lowd, John Beck jun<sup>r</sup>, Stacy Hull, Mark Chadbourn, Benjamin Drown, John Ham, Elisha Plaisted, William Vaughn, William Ham, John Melcher, Timothy Gerrish, Josiah Akerman, John Hall, Nathaniel March, Samuel Rymes, of the Engine Numbered Two, And Elisha Hill Winthrop Bennett, John March, Thomas Moses, Samuel Wallis, John Redding, Enoch Meloon, William Moses, William Plaisted, George Plaisted, Aaron Lakeman, Richard Jackson, John Barns, Richard Savery, Nathaniel Melcher, William Cunier, Nathaniel Jackson jun<sup>r</sup>, William Somersby, Jonas March, Nicholas Miller, James Hill, Timothy Ham, Randall Furnald, Humphrey Furnald, Luther Reid, of the Engine Numbered Three.—Be and hereby are severally exempted from Military Duty on common and ordinary trainings and on field days—

Be it further Enacted that the persons exempted as aforesaid shall have and produce (if required) a certificate from the firewards of Portsmouth afores<sup>d</sup> to the Officer commanding the Company in whose district he has his dwelling, which shall be sufficient Notice to the Officer afores<sup>d</sup> of his exemption from Military Duty, and shall be plead in bar to any Action which may be brought for fines against either of the persons afores<sup>d</sup> or others which may hereafter be appointed to the care of said Engines, And in case of inability, the death or removal Out of said Town of either the persons afores<sup>d</sup> The firewards may ap-

point others to fill up the vacancy of such persons so removed, Any law to the Contrary notwithstanding—

Provided that nothing in this Act shall be construed to extend to the persons aforesaid in case of invasion of said State.—

## [CHAPTER 9.]

*State of  
New Hampshire.* }

### AN ACT TO ERECT A POLL PARISH IN PELHAM

[Passed January 4, 1787. Original Acts, vol. 10, p. 84; recorded Acts, vol. 5, p. 298. Repealed by act of December 17, 1792.]

Whereas Josiah Gage, John Bradford, David Gage, Isaac Barker, Ebenezer Webster, Jonathan Webster, Jacob Kemp, Asa Hardy, Lot Spaulding, Daniel Tenney, Eliphalet Hardy, Caleb Butler, Jesse Barker, Ebenezer Barker, John Nevens, Aaron Wyman, Jesse Wyman, Josiah Wyman, Dudley Hardy, Nehemiah Butler, Daniel Wyman, Isaac Barker, Hatter, Joseph Baldwin, Edmund Hardy, James Hall, Jesse Willson Daniel Willson, Timothy Davis, Zebulon May, David Butler, Josiah Gutterson, Richard Hall, Abner Foster, Jonathan Barker Richard Barker, Stephen Person, Peirce Gage, P. Merrill Coburn, Asa Coburn, Abner Gage, William Webber, Jesse Smith, Phinehas Merrill, Amos Gage, David Johnson, Paul Tenney, James Foster, Samuel Richardson, Samuel Gains, Jonas Richardson, William Johnson, Ebenezer Richardson, Jeremiah Gage, Inhabitants of Pelham in the County of Rockingham in said State have petitioned the General Court setting forth, that they for a long time had lived in an unhappy situation respecting religious affairs, and had been obliged to attend public Worship in other Towns; that they conceived, that their increasing difficulties would be removed, were they indulged with a poll parish in said Pelham. Wherefore they prayed, that a poll parish might be erected in said Pelham. Which petition having been duly considered and the prayer thereof appearing reasonable.

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened; That the aforementioned persons be and hereby are erected into a Parish, by the name of New Parish—and vested with all parish privileges, and shall have exercise and enjoy the same in as full and ample manner as other Parishes in this State are by law entitled to have, exercise and enjoy. And that any of the present Inhabitants of said Pelham, who are or shall be desirous of joining in public Worship with the said new parish, may become Members thereof, by entering their names and such desire with the Clerk of said

Town and producing a certificate thereof to the Clerk of the said parish in six months from the passing of this Act. And those who shall hereafter come of age, and all who may hereafter become Inhabitants of said Town, desirous of being Members of the said new Parish, shall have the like liberty; if they shall enter their names and such desire with the Clerk of said Town, and produce a certificate thereof in six Months from their coming of age and becoming inhabitants thereof respectively to the Clerk of said new Parish: Such persons with their estates shall be rated to all parochial charges accordingly.—

And all other Inhabitants of said Pelham shall be deemed and taken to belong to the old Parish and shall be rated there accordingly unless otherwise exempted therefrom

### [CHAPTER 10.]

*State of  
New Hampshire.* }

#### AN ACT TO RESTORE STEPHEN BARKER TO HIS LAW.

[Passed January 4, 1787. Original Acts, vol. 10, p. 85; recorded Acts, vol. 5, p. 299.]

Whereas Stephen Barker of Andover in the county of Essex and Commonwealth of Massachusetts Yeoman hath petitioned, the General Court, setting forth, that John Kean on the last day of March AD 1782, commenced an Action against the said Stephen for a large sum of money, which action was entered at the Inferior Court of Common Pleas held at Portsmouth within and for the county of Rockingham on the first Tuesday of May AD 1782 when the said action and all demands were referred to Nathaniel Peabody and Abiel Foster Esquires and John Stevens Gentleman, but by reason of the said Abiel Foster being then at Congress, the action was continued from term to term, until it was dismissed by mistake—that after the return of the said Foster, the Referees met, made report and returned the same to said Court on the first Tuesday of November 1785 but the said action being dismissed, the report could not be accepted; Wherefore The said Stephen prayed that the said action might be brought forward and judgment rendered thereon, as tho the same action had not been dismissed, the prayer of which petition, after a full hearing, appearing reasonable, Therefore Be it enacted by the Senate and House of Representatives in General Court convened, that, the said Action be brought forward with the continued actions, to the next term of the said Court, in like manner as tho' the same had not been dismissed, and that the Justices of the same Court be and hereby are empowered and directed to render Judgment on the same report and to award

Execution thereon, in the same manner as if said action had never been dismissed, which judgment shall be as effectual to every intent & purpose, as tho' the said action had been continued and yet pending in the same Court, any Law, usage or custom to the contrary notwithstanding.

[CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER SAMUEL HOBART AND EPHRAIM ROBINSON  
ESQUIRES TO COLLECT THE OUTSTANDING STATE AND TOWN  
TAXES OF THE TOWN OF EXETER FOR THE YEAR 1786

[Passed January 5, 1787. Original Acts, vol. 10, p. 86; recorded Acts, vol. 5, p. 300.]

Whereas Samuel Hobart and Ephraim Robinson of Exeter in the County of Rockingham State of New Hampshire Esquires have petitioned the General Court setting forth, that Samuel Robinson was appointed to collect the State and Town Taxes of said Exeter for the year 1786 and that they were sureties by bond to the Selectmen of said Town for his duly collecting and paying the same according to the tenor of said Bond, that he has since absconded leaving great part of said Taxes uncollected whereby they are exposed to the penalty of said bond—they therefore prayed that they or either of them might be empowered to collect all the Taxes outstanding at the time of his absconding, according to his Warrant or by a new Warrant from the Selectmen of said Town

Which prayer being reasonable,

Therefore. Be it Enacted by the Senate and House of Representatives in General Court convened, that the said Samuel Hobart and Ephraim Robinson and each or either of them be and hereby are empowered and authorized to collect the outstanding State & Town Taxes of said Exeter for the year 1786 which were committed to the said Samuel Robinson to collect by Virtue of the warrant given him or by a new Warrant from the Selectmen of said Town for that purpose—And that the said Samuel Hobart and Ephraim Robinson or either of them so collecting the same Taxes shall be accountable therefor agreeably to the Condition of said Bond

## [CHAPTER 12.]

*State of  
New-Hampshire.* }

AN ACT TO CONFIRM THE TITLE OF JAMES BANKS TO CERTAIN  
LANDS IN PACKERSFIELD

[Passed January 5, 1787. Original Acts, vol. 10, p. 87; recorded Acts, vol. 5, p. 303.]

Whereas James Banks of Packersfield in the County of Cheshire and State of Newhampshire hath petitioned the General Court, setting forth, that John Easterbrooks of said Packersfield on the second day of February A D 1780 by deed for valuable consideration sold and conveyed to him his Heirs and Assigns a certain Tract of unimproved land in said Packersfield viz Lot N<sup>o</sup> 2 in the fifth range containing by estimation one hundred acres; which deed was duly acknowledged and recorded: That James Blanchard late of Dunstable before that time had by deed for valuable consideration sold and conveyed the said Tract of land to said Easterbrook; but the last deed was never recorded: That in the year 1785 the said Easterbrook gave the Deed from Blanchard to himself into the hands of Luther Emes of Keene in said County: That Emes delivered this deed back to Blanchard who made and executed another Deed of the same Tract of land to the said Emes: That he the said Banks has possessed and cultivated the said land: That he is in danger of being deprived of said land and of his house, barn and all improvements thereon, by the said Emes in virtue of the Deed from Blanchard to Emes, without any compensation therefor as the said Easterbrook is needy and unable to satisfy him if evicted: Wherefore he prayed that his title might be established against the said Deed of Blanchard to Emes and against all persons claiming by from or under the Said Blanchard

Which prayer being reasonable Be it Enacted by the Senate and House of Representatives in General Court convened, that the said Deeds of Blanchard to Easterbrook and of Easterbrook to Banks be and hereby are established and confirmed. And that the said Banks his Heirs and Assigns shall have full right to hold possess and enjoy the said Tract of Land against any claim of the said Emes by virtue of a deed of the same from Blanchard to Emes, and against all persons claiming by from or under the said Blanchard; and against the said Blanchard and his Heirs.

## [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT TO CONFIRM THE TITLE OF THOMAS LEWIS TO CERTAIN  
LANDS IN PACKERSFIELD

[Passed January 5, 1787. Original Acts, vol. 10, p. 88; recorded Acts, vol. 5, p. 301.]

Whereas Thomas Lewis of Packersfield in the County of Cheshire and State of New Hampshire hath petitioned the General Court, setting forth, that one James Blanchard late of Dunstable conveyed to John Easterbrook of said Packersfield a certain Tract of Land viz. Lot N<sup>o</sup> 2, in the fourth range in said Packersfield by Deed for valuable consideration, which Deed was never recorded. That the said Easterbrook afterwards on the twenty third day of October A. D. 1781 sold and conveyed to the said Lewis his Heirs and Assigns fifty two acres of the above mentioned Tract or Lot of land from the northerly end thereof for valuable consideration: That in 1785, as he was informed, the said Easterbrook gave the Deed from Blanchard to himself into the hands of Luther Emes of Keene in said County: That Emes delivered this deed back to Blanchard, who made and executed another Deed of the same tract of land to said Emes, which was duly acknowledged and recorded. Whereby the said Lewis is in danger of being deprived of the said fifty two acres of land with all his buildings and improvements thereon, without compensation, as the said Easterbrook is needy and unable to satisfy him therefor. Wherefore he prayed that his Title might be established against the said Deed of Blanchard to Emes and against all persons claiming by from or under the said Blanchard.

Which prayer being reasonable—

Be it Enacted by the Senate and House of Representatives in General Court convened: That the said Deeds of Blanchard to Easterbrook and of Easterbrook to Lewis be and hereby are established and confirmed so far as relates to the said fifty two acres conveyed to Lewis: And that the said Lewis his Heirs and Assigns shall have full right to hold, possess and enjoy the said fifty two acres against any claim of the said Emes by virtue of a deed of the same from Blanchard to Emes and against all persons claiming by from or under the said Blanchard; and against the said Blanchard and his Heirs.

## [CHAPTER 14.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE SAMUEL ADAMS TO HIS LAW.

[Passed January 5, 1787. Original Acts, vol. 10, p. 89; recorded Acts, vol. 5, p. 304.]

Whereas Samuel Adams of Jaffrey in the county of Cheshire and State aforesaid yeoman, hath petitioned the General Court, setting forth That Robert Wier of Walpole in said county brought an action against the said Samuel at the Inferior Court of Common Pleas held at Charlestown in and for said county on the second Tuesday of September 1785 for a large Sum of money which action was demurred, & appealed by the said Samuel to the Superior Court—that he entered his appeal at the Superior Court and he and the said Wier referred said action and all demands to Col. Joseph Burt, Col. Jedidiah Sanger and one Col. Aldrich, a rule was then taken out and delivered to said Burt, the Chairman, who notified the parties to attend in February last, when they attended accordingly and were heard: after which the Referees adjourned to the next March, and at the time and place of their adjournment the said Sanger attended, but the other Referees did not attend—yet the said Burt and Aldrich made report at the last Session of the Superior Court at Charlestown aforesaid that the said Samuel should pay the said Wier fifty pounds damage and Cost of Suit whereupon Judgment was rendered by said Superior Court—that as the said Samuel conceived himself greatly injured by said Report made in such an irregular and unfair manner he prayed that said Report might be vacated and he restored to his Law.

The prayer of which petition after a full hearing thereof appearing reasonable, Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, That, the said Report and the Judgment of said Superior Court thereon and Execution issued on the same judgment be and hereby are vacated and made void and that the said Samuel be and is restored to his Law—and that the said Samuel is hereby empowered to re-enter said action at the next Term of said Superior Court and prosecute his said appeal and have a trial on the merits of said cause then, or at any other Term of said Superior Court; and the Justices of said Superior Court are hereby empowered to hear try and determine the said cause in the same manner as if no Judgment had ever been given on said Report and in like manner as the law directs for the trial of appeals from the Inferior to the Superior Court And either party who may think himself agrieved by the Judgment which may be rendered on



said appeal, may review the same as the Law provides in other cases; Any law usage or custom to the contrary notwithstanding.

[CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE SARAH CHAPIN TO SELL THE REAL ESTATE OF HIRAM CHAPIN LATE OF SURRY IN SAID STATE DECEASED.

[Passed January 5, 1787. Original Acts, vol. 10, p. 90; recorded Acts, vol. 5, p. 305.]

which Estate chiefly consisted in buildings daily on decay and attended with considerable cost of Repair which Shee supposeth cannot be of so much advantage to y<sup>e</sup> Heirs as to be sold for what it will fetch and to be put into some other situation for y<sup>e</sup> benefit of y<sup>e</sup> Heirs, the aforesaid Estate being left intestate. The Prayer of which after a full hearing thereof appearing Reasonable

Therefore

Be it enacted by the Senate and house of Representatives in General court convend—That the s<sup>d</sup> Sarah Chapin be and hereby is fully impowed to seel and convey the right and interest of her said Children in the Estate of their said Father and to make & Execute to y<sup>e</sup> Purchaser or Purchasors thereof good and valied Deed or Deeds of the same as occasion may require first giving to the Judge of Probate for said County Bond with Sufficient Sureties to account for the application of the Monies arising from the sale of said Interest according to the design of this act

[CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR OPENING AND MAKING PASSABLE A HIGHWAY FROM DARTMOUTH COLLEGE TO BOSCAWEN

[Passed January 6, 1787. Original Acts, vol. 10, p. 91; recorded Acts, vol. 5, p. 306. Laws, 1780 ed., p. 428. The act referred to is dated February 13, 1786. See acts of November 11, 1784 and January 28, 1791.]

Whereas the provision in said Act for making said highway is found insufficient for the purpose therein intended and said Highway to this time in most of the Towns through which it is laid is wholly neglected notwithstanding

Therefore be it enacted by the Senate and House of Representatives in General Court convened that the Committee appointed by said Act or that may be appointed to direct and see that the same is done be and they are hereby authorized & impowered after due notice in writing given by them or either one of them to the Selectmen of the respective Towns or Parishes to open and make passable said Highway agreeably to said Act and the place where the same is to be opened and a reasonable time allowed them after such warning for their doing the same and they still neglecting or refusing in whole or in part. The Committee or any one of said Committee shall forthwith cause the said Highway to be effectually made and done by procuring labor and materials therefor and his or their Account of the expences so laid out shall be laid before the Court of General Sessions of the peace in the County where such expenditures have been applied and such Account being adjusted and allowed of by said Court and apportioned to the respective Towns or Parishes they are hereby impowered and directed to grant out a warrant of distress directed to the Sheriff or his Deputy to levy and collect of the money goods or chattels of the Selectmen of such Town or Parish respectively the sum or sums apportioned to them as aforesaid and in case of said warrant's being returned without satisfaction the Court shall grant out an alias in like manner against the Inhabitants of such delinquent Town or Parish with the additional cost of such return which sum or sums of money so levied & collected shall be paid to the Committee or either of them who shall have expended the same as aforesaid as the Court shall order and direct in said warrant

And be it further enacted that the General Court from time to time as occasion shall require may appoint a new Committee either in whole or part until said Highway is finished

And be it further enacted that the Selectmen of the several Towns & Parishes through which said Highway is laid be & hereby are impowered to tax the lands of nonresident proprietors in their respective Towns and Parishes toward the making passable said Highway in the same proportion as the lands of like quality owned by resident Proprietors are taxed and in case of nonpayment to proceed against the same in the same manner as by law is directed for collecting taxes from Proprietors of common & undivided lands

## [CHAPTER 17.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE SAMUEL THOMPSON TO HIS LAW.

[Passed January 8, 1787. Original Acts, vol. 10, p. 92; recorded Acts, vol. 5, p. 309.]

Whereas Samuel Thompson of Concord in the County of Rockingham & State aforesaid Cordwainer, hath petitioned the General Court of said State setting forth that he the said Thompson did enter an action at the Superior Court held at Exeter in & for said County in the Month of Sep<sup>r</sup> Anno Domini one thousand seven hundred & eighty six, in Consequence of an appeal from the Inferior Court of Common pleas for said County; & that he the said Thompson attended said Court the first Week of its session with his Evidence expecting a Trial; but as M<sup>r</sup> William Wallace the Respondent in the Action was committed to Goal, by reason of which the said Thompson despaired of a Trial at said Court; & after that the said Wallace did appear & the said petitioner in his absence became non-suit & Judgment was rendered by said Court, against the said Thompson & Execution issued against him, for a large Bill of Costs whereby the Said petitioner was greatly Injured—wherefore he prays the Said General-Court to restore him to his Law, & Cause the said Judgment of the Said Superior-Court to become Null & void as though it had never been rendered against him. and after a full hearing upon said petition & the prayer thereof appearing reasonable

Therefore be it enacted by the Senate & House of Representatives in General-Court Convened and by the authority of the same. that the Judgment of the said Superior-Court be, & hereby is rendered Null & void & that the said petitioner have full Liberty to enter his Action at the Said Superior-Court at their next Session (in said County) for Trial in as full & ample a Manner as if Said Judgment had never been rendered against him, any Law Usage or Custom to the Contrary notwithstanding.

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

## AN ACT TO RESTORE JAMES SAUNDERS TO HIS LAW

[Passed January 8, 1787. Original Acts, vol. 10, p. 93; recorded Acts, vol. 5, p. 308.]

Whereas James Saunders of Salem in the county of Rockingham and said State, Yeoman, hath petitioned the General Court, setting forth, that he conveyed a Right of Land in the Township of Burton for about the sum of fifteen pounds; though the consideration mentioned in the deed was seven hundred dollars, to which he did not advert at the time of signing the deed; That he can make good title to the right of land so sold; That the said Butler with intent to injure him commenced an action of Covenant broken at the Inferior Court at Plymouth in the county of Grafton against him, therein alledging he had no title to the same land, And had broken the covenants in said deed: That it was agreed by the Parties, the action should be demurred to the next Superior Court for the county of Grafton; and a person was employed to attend said Inferior Court to demur the action; but by mistake it was continued; and the next term (supposing it had been demurred) he was defaulted: That the said Butler contrary to his agreement obtained judgment for the seven hundred dollars, the consideration mentioned in the deed of said land: Whereby he is deprived of his law, and otherwise greatly injured Wherefore he prayed that the judgment rendered against him as aforesaid might be nullified, and that he might be restored to his law

The prayer of the petition after a full hearing appearing reasonable

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened: That the said James Saunders be and hereby is restored to his law and that the judgment so rendered by said Inferior Court of Common Pleas, and the execution issued and all proceedings had thereon be and are hereby vacated and made void; And that the Clerk of said Inferior Court bring forward said Action for trial at the next June term thereof in like manner as if the same had been continued; and that the said Saunders may defend the same have a trial on the merits of the said action and appeal therefrom as tho' no judgment had ever been given thereon: and that the Justices of said Inferior Court be and hereby are empowered to hear try and determine said action in the same manner as the laws of this State direct for the

trial of other civil actions; and that the said Saunders may review said action in like manner as in other civil actions. Any law usage or custom to the contrary notwithstanding.

[CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO DIRECT THE MODE FOR THE ASSESSING AND COLLECTING OF THE TAXES AGAINST GUNTHWAITE

[Passed January 9, 1787. Original Acts, vol. 10, p. 94; recorded Acts, vol. 5, p. 311.]

Whereas Leonard Whiting of Holles in the county of Hillsborough in said State Esquire in behalf of the proprietors of Gunthwaite hath petitioned the General Court, representing that the proprietors lands in said Gunthwaite were assessed in the names of the Grantees of Concord, by persons calling themselves the Selectmen of Concord; by means whereof the said proprietors lands in said Gunthwaite were liable to be sold for the taxes so assessed, and the said proprietors could not prevent the sale thereof, as they were deprived of an opportunity of paying the Taxes upon such assessment. Wherefore he prayed the interposition of the Legislature in their behalf; and that some method might be pointed out to enable the said proprietors to pay the Taxes against Gunthwaite.

The facts alleged in said petition being proved and it appearing reasonable, that the said proprietors should have an opportunity of paying the Taxes ordered by the Legislature to be assessed against said Gunthwaite, and that the same should be assessed upon and proportioned among the said proprietors and the owners of land in said Gunthwaite according to their right and interest therein: which has not been done by the supposed Selectmen of Concord aforesaid.

Therefore Be it Enacted by the Senate and House of Representatives in General Court, convened; That the assessment of Taxes by the supposed Selectmen of Concord in manner aforementioned be and hereby is nullified and made void; and that all outstanding Taxes against Gunthwaite, or Concord alias Gunthwaite shall be assessed to the rights and lots of said Gunthwaite proprietors and inhabitants in said Gunthwaite; and that precepts in future from the Treasurer for Taxes upon said proprietors lands and owners of lands in said Gunthwaite shall be directed to Gunthwaite: That Col<sup>o</sup> Charles Johnston of Haverhill be and hereby is appointed and empowered to call a meeting of said proprietors and Inhabitants of said Gunthwaite at any time between the passing of this Act and the first day of

June 1787; (in which the said Johnston shall act as moderator or chairman) to chuse a Clerk for the recording of their acts and doings, to appoint Assessors and Collectors to assess and collect the outstanding Taxes against Gunthwaite, or Concord alias Gunthwaite. And the Assessors so to be appointed or chosen shall be and hereby are fully empowered and authorised to assess and proportion said Taxes to the rights and lots of land belonging to said proprietors and Inhabitants of Gunthwaite; and the Collector so to be appointed is also hereby empowered and directed to levy and collect said Taxes pursuant to the Warrant to be given by said Assessors; and he shall be accountable for said Taxes and shall pursue the same method in levying and collecting them as Collectors of Taxes in other cases are by Law ordered to take. And the said Johnston is hereby empowered to call (and preside in) any other meeting of said proprietors and inhabitants for the purpose of choosing assessors and collectors of any future Taxes against said Gunthwaite, which assessors and collectors shall respectively have the same powers and shall proceed in the same manner in assessing and collecting the said future Taxes as the Assessors and Collectors herein before mentioned, and such Collectors of future Taxes for said Gunthwaite shall be accountable therefor as the Collector beforementioned. And the person herein appointed to call such meetings shall cause a notification of the time and design thereof to be set up at some proper place in said Gunthwaite fourteen days before the holding of the same. Provided nothing in this Act shall be construed to affect the Title of any person claiming lands under either the Grant made to Gunthwaite or Concord.

[CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT FOR THE SUPPORT OF INVALIDS.

[Passed January 10, 1787. Original Acts, vol. 10, p. 95; recorded Acts, vol. 5, p. 313; Laws, 1780 ed., p. 430; Perpetual Laws, 1789 ed., p. 165. The act of June 23, 1786 is repealed by this act.]

Whereas Congress by their resolve of the 7<sup>th</sup> day of June 1785, recommended to the several States to make provision for the Officers, Soldiers, or Seamen who have been disabled in the service of the States.

Therefore be it enacted by the Senate and House of Representatives in General Court convened that Joseph Pearson Esqr be, and hereby is appointed to make a compleat List of all the Officers, Soldiers, or Seamen in this State, who have served in the Army, or Navy of the United States; and have been dis-

abled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labour; as well those now in the List of Invalids, as others who may hereafter apply; in which List shall be expressed the pay, age, and disability of each Invalid, also the Regiment, Corps, or Ship to which he belonged; and a Copy of the same shall be transmitted to the Office of the Secretary at War, within one year from the passing of this Act: and a like descriptive List of the Invalids resident in this State, shall annually be transmitted to the Office of the Secretary at War.

No Officer, Soldier, or Seaman shall be considered as an Invalid, or entitled to pay, unless he can produce a Certificate from the commanding Officer, or Surgeon of the regiment, Ship, Corps or company in which he served; or from a Physician or Surgeon of a Military Hospital, or other good and sufficient Testimony, setting forth his disability, and that he was thus disabled while in the service of the United States.

And be it further enacted that all commissioned Officers, within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a Livelihood, be allowed a yearly Pension equal to half of their pay respectively. And all Commissioned Officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly Pension, which shall correspond with the degree of their disability, compared with that of an Officer wholly disabled. And all non commission'd Officers and privates, within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of Military or Garrison Duty, or of obtaining a Livelihood by labour, be allowed a sum not exceeding five dollars  $\frac{2}{3}$  month. And all non-commissioned Officers and Privates as aforesaid, who shall not have been disabled in so great a degree, shall be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non commissioned Officer or Private wholly disabled.

And be it further enacted that Joseph Gilman and Josiah Gilman Esquires and Doctor Samuel Tenney be and are hereby appointed, to examine all Claimants, and to report whether the Person producing a Certificate, setting forth that he is an Invalid, be such in fact; and if such, what pay he is entitled to; and thereupon the said Joseph Gilman Josiah Gilman and Samuel Tenney shall give to the said Invalid, a certificate specifying to what pay he is entitled; and transmit a copy to the Secretary of this State for the time being, who shall receive and record the same:

Provided that no Officer who has accepted his commutation for half pay, shall be entered on the List of Invalids, unless he shall have first returned his commutation.

And be it further enacted, that His Excellency the President, be and hereby is authorized and impowered, with the Advice of the Council, to form such Invalids under the aforesaid Description, and being Citizens of this State, as are capable of doing Garrison Duty, into Corps to be employed in guarding military Stores, aiding the Police, or otherwise, as the General Court for the time being shall direct; and when such Corps are formed; there shall be quarterly returns, comprehending the pay, age, disability, regiment, Ship, or Corps, to which they severally belonged; made out and signed by their Commanding Officer, and transmitted to the Secretary of the State; and the President with advice of Council, shall give Orders for the pay of said Invalids, agreeably to said Returns.

And be it further enacted, that all Invalids, as well those formed into Corps, as those who are not, shall annually apply themselves to some Magistrate, in the County where they reside or may be stationed, and take the following oath viz<sup>t</sup>

A. B. came before me one of the Justices of the peace for the County of—— in this State, and made oath, that he was examined by \_\_\_\_\_ appointed by said State for that purpose, obtained a certificate, or had his certificate examined, and countersigned, and that he now lives in the \_\_\_\_\_ and in the County of \_\_\_\_\_

And the Affidavits drawn according to the above form and so dated & attested shall be sent by the said Magistrate to the Secretary who is hereby appointed to receive and record the same and a counterpart shall be preserved by the Person taking it to be exhibited to the said Joseph Gilman Josiah Gilman and Samuel Tenny and upon his receiving a certificate from them or either of them of the sum due to him and lodging the same with the Secretary the President with advice of Council is hereby impowered to give orders upon the Treasurer for payment of all such Sums, which orders the Treasurer is directed to receive in payment of any tax payable in certificates or facilities

And be it further enacted that any Person now in the list of Invalids who shall not apply for and obtain a certificate as aforesaid within twelve months from the first day of July last shall not be entitled to receive any pay as an Invalid after that time

And be it further enacted that an Act entitled “an Act for the support of Invalids” passed the 23<sup>d</sup> day of June 1786 be & hereby is repealed



## [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT TO INVEST Y<sup>e</sup> EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN ELIPHALET HALE OF CHESTERFIELD HIS HEIRS AND ASSIGNS

[Passed January 10, 1787. Original Acts, vol. 10, p. 96; recorded Acts, vol. 5, p. 316.]

Whereas the s<sup>d</sup> Hale hath petitioned the General Court Representing that there is great need of a ferry over s<sup>d</sup> River to accomodate travellers, and as he owns y<sup>e</sup> Land adjoining said River and lives y<sup>e</sup> most convenient of any Person in Chesterfield to tend s<sup>d</sup> ferry he Therefore prays that he may have y<sup>e</sup> exclusive right of keeping a ferry over s<sup>d</sup> River in any place from y<sup>e</sup> North end of Catsban Island (so called) to the South Line of Westmoreland which Representation appearing just and y<sup>e</sup> prayer thereof reasonable

Therefore

Be it Enacted by the Senate & house of Representatives in General Court conven'd that the Sole & Exclusive right & priviledge of keeping a ferry over s<sup>d</sup> River in any place between Catsban Island (so called) and the South line of Westmoreland Be & hereby is granted to & vested in him the s<sup>d</sup> Eliphalet Hale his heirs & assigns he & they from time to time as the case may require giving bond with Surety in y<sup>e</sup> Sum of one hundred Pounds to y<sup>e</sup> Clerk of y<sup>e</sup> Court of General Sessions of y<sup>e</sup> Peace for y<sup>e</sup> County of Cheshire that the s<sup>d</sup> ferry shall be constantly attended and well kept

And be it further enacted that if any other person or persons not authorized by the said Hale his Heirs or assigns, shall for hire or reward transport over s<sup>d</sup> River within the limits afores<sup>d</sup> any person creature or thing such person so transporting shall forfeit & pay to the s<sup>d</sup> Eliphalet Hale his Heirs or assigns y<sup>e</sup> sum of Forty Shillings for each person creature & thing so transported to be Recovered by action of debt before any Justice of the peace within the said County

## [CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN THE INHABITANTS OF CHARLESTOWN

[Passed January 10, 1787. Original Acts, vol. 10, p. 97; recorded Acts, vol. 5, p. 317.]

Whereas the Inhabitants of Charlestown in the County of Cheshire in said State have petitioned the General Court, praying that the exclusive privilege of keeping a Ferry or Ferries over Connecticut River may be vested in the Inhabitants of said town. The prayer of said petition after a full hearing appearing reasonable

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened; That the sole and exclusive right and privilege (except as is hereafter provided) of keeping a Ferry or Ferries over that part of Connecticut River between the North line of the Township of Walpole and the South line of the township of Claremont be and hereby is granted to the Inhabitants of said Charlestown forever: And that the Inhabitants of said Town shall forever hereafter keep a good boat or boats for conveyance over said river; and the said ferry shall be constantly attended; and shall be subject to the Laws of the State for the time being for the regulation of ferries;

And if any person or persons (except as is hereafter provided) shall for hire or reward transport over said river within the abovementioned limits, any person, creature or thing; such person so transporting shall forfeit and pay to the Inhabitants of said Charlestown the sum of forty shillings which may be recovered by action of debt in any Court proper to try the same.

Provided that nothing in this Act shall affect the Grant formerly made to Simeon Olcott Esq<sup>r</sup> of a Ferry within the bounds or limits abovementioned.

## [CHAPTER 23.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE A TOWN BY THE NAME OF LANGDON—

[Passed January 11, 1787. Original Acts, vol. 10, p. 98; recorded Acts, vol. 5, p. 318.]

Whereas Jonas Fairbanks and others Inhabitats of then Towns of Charlestown and Walpole in the County of Cheshire

in said State have petitioned the General Court setting forth that they are inconveniently situated to attend public worship in the several Towns to which they are now annexed that their remoteness from the center of the Towns deprive them of many advantages they might enjoy were they united in one Town that they have obtained the consent of Charlestown and Walpole for their Separation Wherefore they prayed they might be incorporated into a Town by the name of Langdon which prayer appearing reasonable

Be it enacted by the Senate and House of Representatives in General Court convened that a Township be and hereby is erected and incorporated by the name of Langdon—bounded (to wit) begining at the east line of said Charlestown at the corner between the ninth and tenth hundred acre lotts and running West on the line between said lotts to the West line of the third range thence southerly to the corner of a forty five Acre lott Numbred thirty nine thence Westerly to the Southerly corner of said lott Numbred thirty nine thence Southerly on the west line of the second Range to the south line of said Charlestown, then Westerly on the line between Walpole and Charlestown untill it comes within two Hundred and fifty Rods of the River Connecticut thence southerly (on the West Side of Fall Mountain so called) until about one mile and two Hundred Rods are compleated thence easterly on the north line of M<sup>r</sup> Atkinsons land to the east line of said Walpole then on the east line of said Walpole to the south line of Charlestown thence on the south line of Charlestown easterly to the South east Corner of said Charlestown thence on the east line of said Charlestown to the bounds first mentioned and the Inhabitants of said Tract of Land are hereby erected into a body politic or corporate to have continuance and Succession forever and are invested with all the powers and in-franchised with all the rights priviledges and immunities which any Towns in this State hold and enjoy. To hold to the said Inhabitants and their Successors forever and John Hubbard Esq<sup>r</sup> is hereby authorised to call a meeting of said Inhabitants to chuse all nessessary and customary town officers giving fourteen Days notice of the time place and design of said Meeting and such officers shall be invested with all the powers of the Officers in any other Town in this State and every other meeting which shall be annually held in said town for that purpose shall be on the first Tuesday of March forever

Provided that the Inhabitants of said tract of land never hereafter Claim an exclusive right of representation by virtue of this Act of Incorporation but shall in the choice of Representatives be considered as annexed to the several Towns of Walpole and Charlestown in the same manner as if this Act had not been made

Provided also that all public Lands now in said Walpole which may be included within the lines of the afforsaid Incorporation shall be freed from taxes so long and no longer than while they continue to be public Lands

[CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT TO APPOINT NEW MANAGERS FOR DARTMOUTH COLLEGE LOTTERY.

[Passed January 12, 1787. Original Acts, vol. 10, p. 99; recorded Acts, vol. 5, p. 320. See acts of November 3, 1784 and September 28, 1787.]

Whereas John Parker, Joshua Wentworth, Thomas Martin, Josiah Gilman and Thomas Odiorne have petitioned this Court setting forth that by an Act of the General Court passed the third day of November 1784 they were appointed managers of Dartmouth College Lottery—that from the great scarcity of cash they have not been able to sell any considerable number of the tickets and have no prospect of succeeding on said business in this part of the state; and that they conceive the only mode of effecting the design of said lottery would be to dispose of the residue of the tickets for grain and other produce of the County which might be exchanged for timber and other materials for the College as well as labour for building the same provided managers were appointed in that neighbourhood Wherefore they prayed that some persons living at or near said College might be appointed managers of said lottery in their stead, The prayer of which petition appearing reasonable.—

Be it therefore enacted by the Senate & House of Representatives in General Court convened That John Wheelock Esq<sup>r</sup> President of said College Bezaleel Woodward Esq<sup>r</sup> and Ebenezer Brewster Esq<sup>r</sup> all of Hanover and Elisha Payne Esq<sup>r</sup> of Lebanon all in the County of Grafton or the major part of them are appointed managers of said Lottery instead of the said John Parker Thomas Martin Joshua Wentworth Josiah Gilman and Thomas Odiorne and shall be under oath to be administered by any Justice of the peace for the faithful discharge of their trust and shall have all the power & authority which the former managers had in and by said act to go on with the scheme of said lottery as tho' they had been originally appointed managers thereof.

And the former managers are directed to deliver over all the tickets not already sold and render an account of the sales of such as are disposed of to the managers appointed by this act who shall make the former managers a reasonable compensation for their services and expences. And the former managers are

hereby indemnified from any charge or expense which may arise on account of their signing said tickets and the managers appointed by this act shall be answerable for said tickets as if they themselves had signed them.

And be it further enacted that the time limited in said act for carrying on said lottery be prolonged for the term of Two Years from passing this Act.

### [CHAPTER 25.]

*State of  
New Hampshire.* }

#### AN ACT FOR THE REGULATING THE GAUGING OF CASKS.

[Passed January 12, 1787. Original Acts, vol. 10, p. 100; recorded Acts, vol. 5, p. 321. Laws, 1780 ed., p. 433; Perpetual Laws, 1789 ed., p. 198; Laws, 1792 ed., p. 318. See additional act of June 17, 1788.]

Whereas the regulation of the Gauging of Casks is highly necessary to prevent fraud and Injustice

Therefore be it Enacted by the Senate and House of Representatives in General Court Convened that from and after the first day of March next all Casks in which Rum wine or other Spiritous Liquors or Molasses shall be exposed to sale by the Gallon shall be Mathematically gauged by Gunters Scale and the Quantity said Casks can contain together with the ullage thereof set and marked on one Head by the Gauger with a marking Iron for which he may demand and receive three pence from the owner or owners thereof for every Cask by him so gauged and no more and in case any purchaser shall not be Satisfied with the Account so marked he may have the Same gauged in his presence and if upon such examination the Account aforesaid shall be found to be true such Second Gauging shall be at the cost of the purchaser but if it is found to differ the Second also shall be at the cost of the owner as aforesaid And the Selectmen of the Several Towns and Parishes aforesaid are hereby ordered as there shall be Ocasion or when they shall be requested by any of the Inhabitants within their respective limits to nominate and Appoint a fit person or persons to the said Office who shall Serve till another shall be chosen and Sworn in his or their Stead to the true and faithfull discharge thereof as every one who shall be thereto Appointed shall be by any Justice of Peace in the following words Mutatis Mutandis—You A.B. being Appointed a Gauger According to Law do Swear that you will diligently Attend and faithfully discharge and execute the office and duty of a Gauger within the Limits whereto you are Appointed untill another Shall be Chosen and Sworn in your place and that in and by all the perticulars men-

tioned in the Law whereto your Office hath relation and you shall Act therein impartially without fear or favor so help you God.

And any person who shall presume to sell any Rum Wine Spiritous Liquors or Molasses as aforesaid without being Gaged as this Act directs shall forfeit and pay the Sum of forty Shillings for each Cask the one half for the use of the poor of the Town or Parish where the offence is Committed and the other half to any person who will Sue for the Same or said forfeiture may be recovered by presentment of the Grand jury at the Court of General Sessions of the Peace in which case the whole of the forfeiture shall be for the use of the poor as aforesaid

[CHAPTER 26.]

*State of  
New Hampshire.* }

AN ACT TO DISANNEX A CERTAIN TRACT OF LAND LYING IN THE TOWN OF HOLLIS, FROM SAID HOLLIS, & ANNEX THE SAME TO THE TOWN OF RABY—

[Passed January 12, 1787. Original Acts, vol. 10, p. 101; recorded Acts, vol. 5, p. 323. See act of February 17, 1786.]

Whereas Benjamin Farley of said Raby, and Agent for said Town, hath petitioned this Court, setting forth, that there is a strip of Land in Hollis contiguous to said Raby; of about one mile & three quarters in length, and about one mile & one half in breadth, which does not accomodate said Hollis, & that the same well accommodates the said town of Raby; & praying that the same may be annexed to said Raby, the prayer of which Petition appearing reasonable, and the town of Hollis consenting thereto—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened—that the strip of land comprehended within a line run due north, from the North east corner of said Raby, to Amherst line, thence westerly upon said line of Amherst to mile slip so called, thence Southerly upon said mile slip to said town of Raby, be, and the same is hereby disannexed from the said town of Hollis, and annexed to the town of Raby, & that the same be hereafter known & considered as a part of said Raby, any Law Usage or Custom to the contrary notwithstanding—

Provided always—That all Taxes heretofore assessed by the said Town of Hollis, upon the Inhabitants dwelling in, or upon said strip of land, shall be collected & paid to the town of Hollis—anything in this Act to the contrary notwithstanding—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR EXTENDING THE POWERS AND AUTHORITY OF THE MARITIME COURT IN THIS STATE.

[Passed January 12, 1787. Original Acts, vol. 10, p. 102; recorded Acts, vol. 5, p. 323. Laws, 1780 ed., p. 434; Perpetual Laws, 1789 ed., p. 38. Repealed June 20, 1792.]

Whereas it will conduce to the improvement of the Commerce and Navigation of this State that Seamen whether Natives or Strangers be encouraged, and have a speedy and easy remedy for the recovery of their wages; and that there should be an easy and expeditious mode of trial of Causes originating from or touching matters arising on the High Seas; the advantages and necessity of which have been heretofore experienced, Therefore,

Be it enacted by the Senate and House of Representatives in general Court convened, that the Judge of the Maritime Court of this State, shall have Jurisdiction and is hereby empowered to issue Process and take cognizance of all such suits as may be brought before the same Court for Seamen's wages, and to hear, try, and determine the same, and give Judgment therein, and enforce the Decree or Sentence by Execution.

And the Process in such cases shall be by Libel, or otherwise as heretofore was accustomed and practised. And the mode of trial, examination, and proof, and the Decree, or Judgment, and Execution shall be, conducted, had, made and done in the same manner as were heretofore used and accustomed in the Court of Vice-Admiralty in New Hampshire.

And the Judge of said Maritime Court shall have like power Jurisdiction and Authority as aforesaid in all suits and causes arising from matters and things taking place on the High Seas, or touching the same, which heretofore were within the Jurisdiction of the said Court of Vice-Admiralty.

And the Marshall or proper Officer of said Maritime Court shall have power, and he is hereby required to execute all lawful Processes issuing from the same Court: and for every default or neglect of his duty herein, shall be liable to make satisfaction to the party injured, and to be punished therefor, as hath heretofore been practised in the cases aforesaid.

And be it further enacted, that in all Causes tried before said Court, excepting for Mariners Wages, (the Decree concerning which shall be final) if the value of the matter in controversy shall exceed the sum of Thirty Pounds, either Party dissatisfied with the Decree, Judgment or Sentence of said Court, shall

have Liberty to appeal therefrom to the Superiour Court next to be holden in the same County, such Party appealing, recognizing or stipulating in a reasonable sum with sufficient Sureties to prosecute such Appeal, and abide the Sentence of the said Superiour Court therein.

And be it further enacted by the Authority aforesaid, that if the Judge of the said Maritime Court shall at any time exceed the Powers and Authorities herein given, and hold plea of any cause or matter cognizable by the Common Law Courts only, and to which the Jurisdiction of said Court doth not extend, upon suggestion and proff thereof made to the Justices of the Superiour Court of Judicature in Term time, or to any one of them in the vacation between the Terms, a writ of Prohibition may and shall be granted to stay the proceedings in said Maritime Court, until the Justices of the said Superiour Court shall further examine into and try such Suggestion, and if on trial the same be found true, the prohibition shall be considered as absolute, and the said Maritime Court shall never proceed further in such cause, but if the Suggestion shall not be proved and supported on Trial, the said Justices shall decree that the Cause be returned to the said Maritime Court for trial, and shall issue a writ of Consultation to that purpose, and the Judge of said Maritime Court shall proceed therein as if no Prohibition had been issued.

And be it further enacted by the Authority aforesaid that John Parker Esquire Sheriff hereby is appointed Marshall of said Court, with all the powers which the Marshall of the Court of Vice-Admiralty heretofore had, any Custom or Law to the Contrary Notwithstanding.—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO EMPOWER THE SELECTMEN OF BEDFORD TO APPOINT SOME PROPER PERSON TO COLLECT TAXES IN THE TOWN OF BEDFORD FOR THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY THREE—

[Passed January 12, 1787. Original Acts, vol. 10, p. 103; recorded Acts, vol. 5, p. 326.]

Whereas the Selectmen of Bedford in the County of Hillsborough and State aforesaid, hath petitioned the General Court setting forth, that the Collector of Taxes for said Bedford for said year died leaving part of the Taxes uncollected, they therefore prayed that some proper person might be appointed to collect the Taxes so uncollected for said year



Which prayer appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court Conven'd, that the Selectmen of Bedford for the time being, be and they hereby are authorized and impowred, to appoint and agree with some person to collect, all the outstanding Taxes for said Bedford for the said year 1783—and the person so appointed shall hereby have pow'r by virtue of the warrant Given to the deces'd Collector, to collect the remainder of the Taxes for said year, in the same manner as the said Collector might have done had he liv'd to have Collected the same, and the person so appointed to Collect said Taxes shall be accountable for the money so Collected in the same manner other Collectors are—

[CHAPTER 29.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE SELECTMEN OF THE TOWN OF EXETER TO COLLECT THE OUTSTANDING TAXES FOR THE TOWN OF EXETER FOR THE YEAR 1783 1784 & 1785—

[Passed January 12, 1787. Original Acts, vol. 10, p. 104; recorded Acts, vol. 5, p. 326. See act of January 13, 1787.]

Whereas the Selectmen of Exeter in the County of Rockingham & State of New Hampshire have petitioned the General Court setting forth that the collector of Taxes in said Town for the year 1783, 1784 & 1785 hath absconded and large sums remain uncollected, they therefore prayed that the Selectmen of said Town might be empowred to appoint & agree with some person to collect said outstanding Taxes Which prayer appearing reasonable

Therefore be it Enacted by the Senate and house of Representatives in General Court Convened that the Selectmen of Exeter for the time being be and hereby are authorized & empowred to appoint and agree with some person to collect all the outstanding Town & State Taxes for said Town of Exeter for the year 1783, 1784 & 1785 and the person so appointed shall hereby have power by virtue of the several warrants committed to the said absconded Collector to collect the said outstanding Taxes in the same manner as the aforesaid Collector could have done had he not absconded and the person so appointed to collect said Taxes shall be accountable for the money so collected in the same manners other Collectors are

## [CHAPTER 30.]

*State of  
New Hampshire.* }

AN ACT TO VEST IN BENJAMIN DEARBORN THE EXCLUSIVE RIGHT  
OF MAKING AND VENDING CERTAIN ENGINES AND SCALES FOR  
FOURTEEN YEARS.

[Passed January 12, 1787. Original Acts, vol. 10, p. 105; recorded Acts, vol. 5, p. 327. Laws, 1780 ed., p. 436. See act of June 14, 1786.]

Whereas Benjamin Dearborn of Portsmouth in the county of Rockingham and state of New Hampshire Printer, hath petitioned the General-Court, setting forth that he hath at much expense of time and money invented and constructed a Hand-Engine for throwing Water, and that he hath also made and constructed a Balance or Scales on a new Plan; Wherefore he prayed that a Patent might be granted to him, his heirs and assigns, for the exclusive right of making and vending said Engines and Scales, with any improvements he might make thereon. The prayer of said petition, after a full hearing appeared reasonable; and it being for the interest of the state to encourage the inventing and constructing of new, more convenient, and less expensive instruments for the different purposes of life.

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Benjamin Dearborn, his heirs and assigns be and hereby are vested with the exclusive right of making and vending Scales upon the construction by him made and shewn to the Court; and of making and vending his new-constructed Hand-Engine for throwing water, and other Engines upon the same principles, with one or more barrels, and with or without condensed air or suction, with any improvements which he may make upon said Scales or Engines, for the term of fourteen years from and after the passing of this act. That the Scales shall not exceed in price the sum of eight pounds, nor the Hand-Engine with one barrel, the sum of six pounds in gold or silver, or equivalent in other articles.

And the more effectually to secure to the said Dearborn the right thus vested, no Scales of the like construction, nor Engine of any size, with one or more barrels, upon the same principles with that shewn to the Court, shall be used in this state for the term aforesaid, without a seal or stamp affixed or imprinted by the said Dearborn, his heirs or assigns on the same, under the penalty and forfeiture of Ten Pounds. And if any person or persons shall counterfeit the said seal or stamp, or affix or imprint a counterfeit on said Scales or Engines, he or they shall forfeit and pay the sum of Twenty Pounds. And all and every other person but the said Benjamin Dearborn, his heirs and

assigns is hereby prohibited from making or vending within this state for the term aforesaid any part or parts of Scales upon similar construction, and of Engines upon the same principles with those beforementioned under the same penalty or forfeiture. And Whereas, by an Act of this state passed in June 1786, the exclusive right of making and vending new-constructed Printing-Presses was granted to the said Dearborn, his heirs and assigns for the term of twenty-one years; the more effectually to carry the intent of said Act into execution. Be it enacted by the authority aforesaid that the said new constructed Printing-Presses which shall be made after the passing of this act, within the time specified in the act passed as aforesaid, shall have a seal or stamp affixed or imprinted by the said Dearborn, his heirs or assigns on the same; and if any person shall make use of said new constructed Printing-Presses without seal or stamp as aforesaid, or shall counterfeit said seal or stamp within said term, he shall forfeit and pay the sum of Ten Pounds. The said Forfeitures and Penalties to be recovered by action of Debt, in any Court proper to try the same, by the said Dearborn, his heirs or assigns, to his or their use respectively.

And be it further enacted That the said Dearborn within one month from the passing this act shall lodge in the Secretary's Office, a Model of each of the Machines aforesaid, or a draft of each of them, with a full Description of them, and the principles upon which they are constructed.

### [CHAPTER 31.]

*State of  
New Hampshire.* }

#### AN ACT TO EMPOWER THE ASSESSORS OF THE FIRST PARISH IN THE TOWN OF EXETER TO APPOINT A COLLECTOR OF OUT- STANDING TAXES

[Passed January 13, 1787. Original Acts, vol. 10, p. 107; recorded Acts, vol. 5, p. 330. See act of January 12, 1787.]

Whereas the Assessors of the first parish in Exeter have petitioned the General Court setting forth that their collector of Taxes for the Year 1783, 1784, 1785 & 1786 has absconded & praying to be empowered to appoint a Collector to Collect the outstanding Taxes in said Years—The prayer thereof appearing reasonable—Therefore

Be it enacted by the Senate & house of Representatives in General Court convened that the Assessors of the first parish in the Town of Exeter be and they hereby are fully authorized & impowered to appoint a Collector to collect the outstanding Taxes of said Parish for the year 1783, 1784, 1785. & 1786 and

the Collector so appointed shall hereby have full power and Authority by Virtue of the several warrants committed to the said Absconded Collector, to collect the said outstanding Taxes in the same manner he might have done had he not absconded and the Collector so appointed shall be accountable for the money so Collected in the same manner other Collectors are

[CHAPTER 32.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE DANIEL LORING AND ASAHEL GOODENOW TO REFER ALL DEMANDS BETWEEN THEM TO REFEREES

[Passed January 13, 1787. Original Acts, vol. 10, p. 108; recorded Acts, vol. 5, p. 330.]

Whereas Daniel Loring of Sudbury in the county of Middlesex and Commonwealth of Massachusetts hath petitioned the General Court setting forth, That, Asahel Goodenow of East Sudbury in said county, in January 1785 commenced an action against him at the Inferior Court of Common pleas in the County of Cheshire and State of New Hampshire a large and complex account amounting to more than fifteen hundred pounds; which action and all demands were referred under a Rule of Court; That the Referees made report to said Court, before he had a full opportunity of laying before them all his demands and his best evidence in support thereof: That by the Report the said Asahel was to recover one hundred and fifty five pounds fifteen shillings and three pence damages and the cost of reference taxed at twelve pounds ten shillings together with eight pounds twelve shillings and ten pence cost of suit; whereupon Judgment was rendered against him for the sums aforesaid: That he can prove nothing was due from him to the said Asahel; but that the balance was in favour of the said Daniel: That the Referees misconceived the nature of his demands or made some great mistake. Wherefore he prayed that he might be restored to his Law. Upon which petition an hearing being had, the parties agreed to refer said action and all demands between them to Simeon Olcott, John Bellows, Jeremiah Stiles, Josiah Willard and Benjamin Kimball Esquires; and that the report of them or any four of them on the premises being made to said Court and judgment rendered thereon should be final and conclusive between said parties. For the carrying of said agreement into execution and giving the parties an opportunity of being fully heard and of having their demands fully settled—

Be it Enacted by the Senate and House of Representatives in General Court convened: That the Report already made as

aforesaid and judgment rendered thereon be and hereby are nullified and made void: And that the said Simeon Olcot, John Bellows Jeremiah Stiles, Josiah Willard & Benjamin Kimball be and hereby are appointed Referees to hear try and determine said action and all demands subsisting between said parties; the report of whom or of any four of them upon the premises being made to said Court of common pleas at or before the third Term thereof from the passing of this Act, and judgment rendered thereon, which the said Court are hereby empowered to render, the same shall be final and conclusive between said parties; and Execution be issued accordingly. And the hon<sup>ble</sup> Simeon Olcot Esq<sup>r</sup> is hereby appointed Chairman, and if either party after due notice shall not appear the said Referees may proceed *ex parte*.

Provided always that if the said Referees should not make their report on the premises to said Court within the time limited herein therefor, the Clerk of said Court shall at the fourth term thereof after passing this Act bring forward said action and the said parties shall have a trial on the merits of said cause in the same manner as if no report had been made therein or judgment rendered thereon, and in like manner as the law of said State directs for the trial of other civil causes.

Provided nevertheless that any execution levied before the order of Court for stay of execution shall not be affected by anything contained in this Act; and that any attachment that has been made on any action commenced on the Judgment rendered on the Report of said first mentioned Referees shall be held to respond the judgment that may be given according to the Intent of this Act

Any Law usage or custom to the contrary notwithstanding.

### [CHAPTER 33.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE ELIZABETH WALLINGFORD TO RENEW HER ACTION AGAINST SAMUEL SHERBURNE ESQ<sup>R</sup> & OTHERS AT & BEFORE THE SUPERIOR COURT.—

[Passed January 13, 1787. Original Acts, vol. 10, p. 109; recorded Acts, vol. 5, p. 333.]

Whereas Elizabeth Wallingford of Berwick in the County of York & Commonwealth of Massachusetts Widow in the Capacity of Administratrix of the Estate of Thomas Wallingford late of Somersworth in the County of Strafford and State of New Hampshire deceas'd hath Petitioned the Legislature Setting forth that in July 1771 John Sherburne Esq<sup>r</sup> Daniel

Sherburne & Samuel Sherburne Merchants all of Portsmouth in the County of Rockingham & State of New Hampshire, gave their Note of hand to the said Thomas then living for Two thousand two hundred & twelve pounds lawful money with Interest—which Note had then lately since the death of said Thomas been put in suit by said Petitioner, against the Surviving Promissors—that at the then last Superior Court for the County of Strafford the defendants were Defaulted & the said Elizabeth recovered Judgment against them for what was then supposed due on said Note. but a mistake was made in Casting the Interest. the Petitioners therefore praying that said Action might be Remanded back to the said Superior Court in Order that said mistake might be rectified—the principal facts Contained in said Petition Appearing clear & the prayer thereof Reasonable—therefore—

Be it Enacted by the senate & House of Representatives in General Court Convened, that the said Elizabeth in her Capacity aforesaid be fully Impowered to reenter & Renew her Action aforesaid before the said Superior Court at their next term at Dover within & for the said County of Strafford placing it in the same State it was between the Default and Judgment aforesaid—and the Judges of the said Superior Court are hereby fully Authorized to revise said Judgment & either alter or Confirm the same as shall to them seem meet & just, & to render former Costs, Only, & Issue execution accordingly—

Provided always nevertheless that the said Elizabeth in the mean time wholly suspend all process on the former Judgment & wait the future decision of the said superior Court—

#### [CHAPTER 34.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER JOHN BELLOWES AMASA ALLEN AND THOMAS BELLOWES TO SELL CERTAIN LANDS CONVEYED BY NATHAN BROOKS TO SOLOMON BROOKS HIS SON, AND TO APPLY THE MONIES THENCE ARISING TO THE SUPPORT AND MAINTENANCE OF THE SAID NATHAN BROOKS.

[Passed January 13, 1787. Original Acts, vol. 10, p. 110; recorded Acts, vol. 5, p. 334.]

Whereas it hath been represented to the General Court by the Petition of John Bellows Amasa Allen and Thomas Bellows Selectmen of the Town of Walpole that on the tenth day of September Anno Domini One Thousand seven hundred and seventy nine, Nathan Brooks of said Walpole, conveyed his real Estate, (being all the Estate he was possessed of) to his

youngest son Solomon Brooks a Minor, reserving a maintenance out of said Estate, and that the said Nathan is since become incapable of doing anything towards his own support, and for some time has been, and probably during his Life must and will be chargeable to said Town: And that said Estate cannot be disposed of for his support, said Solomon being still in his non-age, praying that so much of said Estate may be used as shall be necessary for the support of the said Nathan, And the matters set forth in said Petition appearing to be true, and the prayer thereof reasonable, Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said John Bellows Amasa Allen, and Thomas Bellows be impowered, and Power and Authority is hereby given them to make Sale of so much of the real estate conveyed by the said Nathan to the said Solomon as aforesaid, as shall be needful from time to time for the support of the said Nathan during his Life; and to make and execute deeds of the same; which Deeds authenticated in due and common form shall be effectual to convey the said Nathan's Title and Right, to the Purchaser or purchasers, said conveyance from the said Nathan to the said Solomon notwithstanding. And whatever part of said Estate shall not be sold and conveyed by virtue hereof, shall be and remain, to the said Solomon as though this act had not been made.

Provided always that the said John Bellows Amasa Allen, and Thomas Bellows shall, before any Disposition or Sale of the Estate aforesaid give sufficient Bonds to the Judge of Probate in the County of Cheshire to apply the monies arising from the Sale of said Estate to the maintenance of the said Nathan Brooks,—and to account with the said Judge of Probate, of and concerning their application of the same to that purpose; and to account with, and deliver and pay over, to the said Solomon, any residuum or remainder of such monies that may be left finally in their hands, not applied or needed for the purposes aforesaid.

#### [CHAPTER 35.]

*State of  
New Hampshire. }*

#### AN ACT TO ESTABLISH A CERTAIN HIGHWAY LAID OUT IN PORTSMOUTH BY THE SELECTMEN THEREOF.

[Passed January 13, 1787. Original Acts, vol. 10, p. 111; recorded Acts, vol. 5, p. 336.]

Whereas the Selectmen of Portsmouth in the county of Rockingham and State of Newhampshire have petitioned the General Court setting forth that William Weeks Ephraim Pick-

ering and Joseph Dow Esquires as a committee appointed by the General Sessions of the Peace for the said county to lay out a Road from that Road which runs by Rye meeting house to Long Lane so called did on the fifth day of May AD 1784 lay out and make return that they had done the same: That they began at the southeast corner of land of Samuel Rand and Benjamin Marden thence running on the easterly side of said Land north about 31 degrees west 80 rods, thence north 15 degrees west through a corner of Samuel Dowse Foss's land leaving as much off a corner of said Rand and Marden's land into said Foss's land on this point 11 rods, thence northwest about 40 degrees 80 rods to Portsmouth line.—Then from the said Portsmouth line north about 47 degrees west on the Easterly side of Mark Lang's land  $173\frac{1}{2}$  rods, thence on the same course on the Easterly side of Sherburne's land 121 rods to the said Long Lane Road: That they further returned, that it appeared to them that there was a privilege of a Road three rods wide from said Long Lane to Newcastle and Portsmouth Line, nearly in the same place where they laid out said Road, and that they estimated the making  $173\frac{1}{2}$  rods of Fence at thirty pounds to be paid to Mr Mark Lang by the Town of Portsmouth; and the making of 121 rods of Fence at Twenty one pounds three shillings to be paid to said Sherburne by said Town of Portsmouth: The said Selectmen further shew that said Committee did by mistake report that they had laid out said Road from Portsmouth to Newcastle Line on the Easterly side of said Lang's and Sherburne's lands, when the said ancient road does not run thro' their lands, but thro' the lands belonging to other persons: that said committee did also award large damages to said Lang and Sherburne to compensate them for making the number of rods mentioned in said report when in fact their fences then stood on the Westerly bounds of said ancient Road, that running by the westerly side of their lands, which Road the said Selectmen conceiving to be laid out as it was anciently reserved for that purpose, have actually laid open and expended large Sums of money in making the same passable, which must be entirely lost and the public greatly injured unless the Road as actually opened and made as aforesaid should be established. Wherefore they in behalf of the Inhabitants of said Portsmouth prayed that the return of the said committee so far as it respects the laying out of said Road by them thro' said Portsmouth and the Proceedings of the General Sessions aforesaid thereon might be vacated and nullified and that the said Selectmen might be enabled to get the said ancient road established as the law directs.

The prayer of said petition after a full hearing appearing reasonable

Be it Enacted by the Senate and House of Representatives in



General Court convened That the Return of said committee so far as it respects the laying out of said road by them thro' said Portsmouth and the proceedings of the General Sessions afore-said thereon be and hereby are vacated and nullified and that the said Selectmen are hereby enabled to get the said ancient road established as the law directs.

## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT TO DISANNEX CERTAIN PERSONS HEREIN AFTER NAMED FROM THE TOWNSHIP OF PIERMONT, AND ANNEX THEM WITH THEIR ESTATES TO WENTWORTH—

[Passed January 15, 1787. Original Acts, vol. 10, p. 112; recorded Acts, vol. 5, p. 338.]

Whereas Thomas Clark, Daniel Clark, Jonathan Herbert and Asa Boynton of Piermont have petitioned the General Court setting forth that they are situate at a remote distance from the place of holding public Meetings in said Piermont, and praying to be disannexed from said Piermont and to be annexed to the town of Wentworth

After a full hearing thereon the facts being proved and the Prayer of their Petition appearing reasonable—

Therefore be it enacted by the Senate & House of Representatives in General Court convened that the said Thomas, Daniel, Jonathan and Asa with their several Estates, be and they hereby are disannexed from the Town of Piermont and annexed to the Town of Wentworth, in all Town Affairs, and they with their Estates shall be considered in all future Assessments and in all Town Matters whatever as being part of and belonging to Wentworth any Law, Usage or Custom to the contrary notwithstanding—

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF BATH TO RAISE THE SUM OF THREE FARTHINGS ON EACH ACRE OF LAND IN SAID BATH FOR THREE YEARS, FOR THE PURPOSE OF MAKING AND REPAIRING THE HIGHWAYS AND BRIDGES IN SAID TOWN—

[Passed January 15, 1787. Original Acts, vol. 10, p. 113; recorded Acts, vol. 5, p. 338.]

Whereas Ezra Child of Bath hath Petitioned the General Court seting forth, that by reason of several rapid Streams

runing through said Bath, the Roads have been much damaged, and the Inhabitants of said Town not being able to Keep the same in good repair without some assistance from the Proprietors of said Township—after a full hearing thereon, the facts being proved, and the prayer of said petition appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court Convened, that the Selectmen of Bath for the time being be and they hereby are impowred to assess the Lands in Bath, for the sum of three farthings on each acre per year for the term of three years within the term of six years from the first day of April next, which sums shall be appropriated for the sole purpose of making and repairing the highways and Bridges in said Town of Bath, as the Town or the Selectmen for the time being shall direct, provided always, and be it further Enacted, that the Surveyer or Surveyers of Highways in said Bath shall Give public notice in one of the New-Hampshire News papers three weeks successively of any sum due from any and all the non resident owners of land, in said Town, and that they have liberty to pay the same within three months from such notice in labour at the rate of three shillings per day on the roads in said Town under the direction of the Select men or Surveyer who shall advertise as aforesaid—and in case any person or persons concern'd after notice as aforesaid, shall neglect to pay in labour as aforesaid or cash, the several sums to their names affixed in pursuence of this act, so much of their Lands may be advertised by the Selectmen and sold at public vendue as will pay for the labour from them respectively due at the rate aforesaid with legal costs; provided the said Selectmen and Surveyer or Surveyers proceed agreeably to the Laws which now are, or at that time may be in force for Collecting non resident Proprietors Taxes within this State—and the same time shall be allowed for the redemption of any of the Lands which may be sold by virtue of this act, as is allowed for the redemption of Lands of Non resident Proprietors sold for the payment of State Taxes; and if any person shall pay in cash the same may be paid to the receiver of Non Residents Taxes; to be applied as aforesaid

## [CHAPTER 38.]

*State of  
New Hampshire.* }

## AN ACT FOR ASCERTAINING THE WASTE LAND BELONGING TO THIS STATE.

[Passed January 16, 1787. Original Acts, vol. 10, p. 114; recorded Acts, vol. 5, p. 340. Perpetual Laws, 1789 ed., p. 103.]

Whereas it is an Object of great Importance to the State, that the waste or un-improved Land, belonging to, and the Property of the State, be clearly and speedily ascertained, Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the Honb<sup>l</sup> John M<sup>c</sup>Duffee & Josiah Bartlett Esquires & Archibald M<sup>c</sup>Murphy Esq<sup>r</sup> be, and they are hereby appointed a Committee with full power and authority for and on the part and in the behalf of this State to ascertain settle and fix the western Line of a Tract of Land originally granted to Cap<sup>t</sup> John Mason, commonly called the Masonian Line. And to effect this purpose, the said Committee shall have full power and Authority to agree with the Owners or Claimants of said Grant in running marking and establishing said Line, in such way and manner as the said Committee, and said Owners or Claimants may mutually agree.

And be it further enacted that in case it shall so happen that the said Owners or Claimants and the said Committee shall not agree in settling and establishing said Line, then said Committee shall proceed to run and mark said Line, agreeably to the Tenor and construction of the original Grant or Grants of said Tract of Land, and make report thereof to the General Court.

And Be it further Enacted, that any owner and owners of any lands or other real estate, which may hereafter be sold for the payment of public Taxes, shall have one year for the redemption thereof, from the time of Sale, in stead of the time now limited for the redeeming such estate so sold, such owner or owners paying the Taxes and charges, as the Law in such cases directs, any law usage or custom to the contrary notwithstanding.

## [CHAPTER 39.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF THE ACTS ESTABLISHING A TABLE OF FEES.

[Passed January 16, 1787. Original Acts, vol. 10, p. 115; recorded Acts, vol. 5, p. 341. Laws, 1780 ed., p. 438; Perpetual Laws, 1789 ed., p. 91. Repealed June 20, 1792.]

Whereas an alteration of the Fees of the Petit Jury attending the Superiour Court and the Courts of Common Pleas and Courts of General Sessions of the Peace, and of the Clerks of the several Courts of Common Pleas, and Courts of General Sessions of the Peace in this State, is become necessary, Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the Fees of the Petit Jury at the Superiour Court shall be as follows viz<sup>t</sup>

The Foreman of the Jury, in	
every civil cause	£ 0 2 6
Each other Juror	2 0

And at the Courts of Common Pleas and General Sessions of the Peace,

The Foreman, in each cause	£ 0 2 0
Each other Juror	1 6

And Each Jurymen attending either of the Courts aforesaid, shall be paid out of the Treasury of the County wherein such Court is held—Two pence <sup>per</sup> mile for his travel to the Court, & the like sum for travel home.

And the Clerks of the Several Courts of Common Pleas in this State, shall, instead of the fees now taken, be only entitled to the following fees for the Articles herein mentioned viz<sup>t</sup>

Entry of an Action	£ 0 1 0
Recording verdict	6
Judgment	9
Every Recognizance	9
Copies of all Cases and Papers, for each	
page containing 224 words	8
Less than such a page	4
Writ of Protection	9
Every Execution	1 0
Continuance	6
Entering Satisfaction of Judgment	4
Each Venire	2
Writ of Possession	1 6
Entering Appearance	3
Examining bill of Cost	4
Filing each paper	$\frac{1}{2}$

And the Clerks of the several Courts of General Sessions of the Peace in this State, shall demand and receive the following Sums only for the following Articles viz<sup>t</sup>

For discharging Recognizance six pence

For copies of Cases and Papers, the same as before mentioned, to be taken by the Clerks of the Courts of Common Pleas.

For filing papers the same as in said Courts of Common Pleas.

[CHAPTER 40.]

*State of  
New Hampshire.* }

AN ACT TO REVERSE A JUDGMENT OF THE SUPERIOR COURT OF  
JUDICATURE AGAINST JONATHAN GOVE

[Passed January 17, 1787. Original Acts, vol. 10, p. 116; recorded Acts, vol. 5, p. 343.]

Whereas Jonathan Gove of New Boston in the County of Hillsborough and said State Physician has petitioned the General Court: setting forth That in the Year 1778 he was indicted for passing counterfeit money, knowing the same to be counterfeit: That upon the said indictment he was convicted and Judgment was rendered thereon: That the principal evidence to support the said Indictment was the testimony of a man whom he can now prove was not credible and was even incompetent. Wherefore he prayed that the said judgment might be reversed, and that he might be freed from an imputation as injurious to him as it was unjust itself.

The Facts in the above mentioned petition alleged being established and the prayer thereof after a full hearing appearing reasonable

Be it Enacted by the Senate and House of Representatives in General Court convened. That the said Judgment be and hereby is reversed and made void; and that such judgment, Conviction and Indictment shall be of no effect.

## [CHAPTER 41.]

*State of  
New Hampshire.* }

AN ACT FOR RAISING SEVEN THOUSAND TWO HUNDRED POUNDS  
IN FACILITIES AND THREE THOUSAND POUNDS IN SPECIE, FOR  
THE USE OF THIS STATE, THE CURRENT YEAR.

[Passed January 18, 1787. Original Acts, vol. 10, p. 117; recorded Acts, vol. 5, p. 343. Laws, 1780 ed., p. 440.]

Whereas it is necessary, that a sum of Money should be raised to discharge the Interest of this State's debt, and Three Thousand Pounds to defray the charges of Government the present year.

Be it enacted by the Senate and House of Representatives in General Court convened that there be, and hereby is granted for the current year the sum of Seven Thousand and two hundred pounds in facilities, and Three Thousand pounds in specie, which Sums shall be paid into the Treasury of this State, and appropriated to the following purposes to wit, Seven Thousand Two hundred pounds in facilities for the payment of the Interest of this State's debt, and Three Thousand Pounds in Specie to defray the charges of Government the current year.

And the Treasurer is hereby directed to issue his Warrants to the Select men or Assessors of the several Towns, Parishes and Districts in this State, according to the last proportion-Act of this State, for the assessing and collecting of said Sums, and the Selectmen and Assessors thereof are hereby respectively required to assess and levy the same, and cause the same to be paid into the Treasury of this State at or before the last Day of December next.

And the said Assessments shall be made according to each person's poll, and rateable estate which he may possess on the first day of April next. And Certificates for the Interest of this State's debt shall be received in payment of Seven Thousand two hundred Pounds, and Gold or Silver Coin at the rate, at which the same is fixed by Law, shall be received in payment of said Three Thousand pounds in specie, as well by the Collectors as the Treasurer aforesaid.

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT  
THIS SESSION.

*State of*  
*New Hampshire.* }

In the House of Representatives, December 21, 1786.

Voted that the Powers granted to the President by a vote of the General Court of the 23<sup>d</sup> of September last respecting calling forth the Militia to quell any highanded riot &c be discontinued.

Senate concurred December 21, 1786.

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*State of*  
*New Hampshire.* }

In the House of Representatives, December 26, 1786.

Voted to comply with the requisition of Congress of the 20<sup>th</sup> of October 1786 respecting raising the 260 men proportioned to this State—

Senate concurred December 26, 1786.

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*State of*  
*New Hampshire.* }

In Senate, January 1, 1787.

Voted that there be a Company of Independant light horse raised and Officered in the Town of Portsmouth & the vicinity to consist of Sixty four privates & eight noncommissioned Officers. And to be Com-manded by a Captain Lieutenant and Cornet to have the Same rank as Captain Lieutenant and Ensign have in the Alarm list and that his Excellency the President with advice of Council appoint & Commis-sion them accordingly—

House of Representatives concurred January 1, 1787.

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*State of*  
*New Hampshire.* }

In the House of Representatives, January 3, 1787.

Voted that each and every Justice of the Peace within the County where he resides be and hereby is impowered to administer an oath or affirmation to any person or persons who is the owner or possessor of any Certificates of Liquidated debts (other than Loan office certi-ficates) that the said Certificate is bona fide the property of the State or of a Citizen or Citizens of the State or of some corporate body or charitable institution within the Same and to give said person or per-sons a Certificate describing the certificate or certificates alluded to in every such oath or affirmation in such manner as shall be necessary to Identify the Same that the Continental Loan Officer may be at no loss in issuing indents for the interest of said Certificate—

Senate concurred January 3, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 4, 1787.

On Motion, can the Legislature consistently with the Constitution and their Oaths pass an Act making paper Bills of Credit a tender to discharge private contracts made prior to the passing such Act—the motion being put voted unanimously in the negative.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 5, 1787.

Whereas in and by an Act of this State passed on the twenty eighth day of February in the year of our Lord one thousand Seven hundred and eighty Six—it is Enacted that Ten Thousand five hundred pounds be raised on the Polls & Estates of the Inhabitants of this State and that the same be paid into the Treasury of this State in Specie for the use of the United States and whereas the receiving the drafts or orders drawn by the board of Treasury on the Loan Officer of this State payable to the Subjects of this State in payment or discharge of this States Tax as aforesaid and that the receiving the draught or orders into the Treasury of this State in lieu of Specie may greatly facilitate the payment and discharge of said Tax—Resolved that the Treasurer of this State receive the drafts or Orders drawn by the Continental Board of Treasury in favour of the Subjects of this State in part or in whole of the Ten Thousand five hundred pounds as aforesaid always observing the drafts or orders already drawn by said board of Treasury and presented to the Loan Officer of this State for payment previous to this Resolve and that the drafts or orders drawn by the Continental board of Treasury when so received by the Treasurer of this State be by him passed to the Loan Officer of this State in part or in whole of the Ten Thousand five hundred pounds as aforesaid taking the Loan Officers receipts for the amount thereof—

Senate concurred January 5, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 16, 1787.

Voted that his Excellency the President with advice of Council be requested Seasonably to issue a Proclamation appointing Thursday the twelfth day of April next a day of public fasting throughout this State.

Senate concurred January 17, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 17, 1787.

Resolved that any two of the delegates of this State to the Congress of the United States be and hereby are appointed and authorized as



Deputies from this State to meet such deputies as may be appointed and authorized by other States in the union to assemble in convention at Philadelphia on the Second day of May next and to join with them in devising and discussing all such alterations and further provisions as to render the federal Constitution adequate to the exigencies of the Union and in reporting such an Act to the United States in Congress as when agreed to by them and duly confirmed by the Several States will effectually provide for the Same. But in case of the death of any of said Deputies or their declining their appointments the Executive is hereby authorized to Supply such vacancies & the President is requested to transmit forthwith a Copy of this Resolve to the United states in Congress and to the Executive of each of the States in the Union.

The foregoing resolve came down from the Honb<sup>l</sup> Senate for the following amendment "That the said Delegates shall proceed to join the Convention aforesaid in case Congress shall signify to them that they approve of the said Convention as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation," which amendment was read and Concurred.

Senate concurred January 17, 1787.

## [FOURTH GENERAL COURT.]

*[Held at Concord, Charlestown and Portsmouth, Four Sessions,  
June 6, 1787 to February 13, 1788.]*

## [OFFICERS OF THE GOVERNMENT.]

JOHN SULLIVAN, PRESIDENT OF THE STATE.

JOSEPH PEARSON, SECRETARY.

JOHN TAYLOR GILMAN, TREASURER.

JOSEPH GILMAN, PRESIDENT OF THE SENATE.

JOHN SPARHAWK, SPEAKER OF THE HOUSE.

Died September 22, 1787 and Thomas Bartlett was appointed  
in his place.

JOHN CALFE, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Joseph Gilman,	Exeter.
Ebenezer Thompson,	Durham.
Daniel Emerson,	Hollis.
Moses Chase,	Cornish.
Francis Worcester,	Plymouth.

## [MEMBERS OF THE SENATE.]

George Atkinson,	Portsmouth.
Joseph Gilman,	Exeter.
John Bell,	Londonderry.
Peter Green,	Concord.
Joshua Wentworth,	Portsmouth.
Ebenezer Smith,	Meredith.
Ebenezer Thompson,	Durham.
Robert Means,	Amherst.
Joshua Bailey,	Hopkinton.
John Bellows,	Walpole.
Amos Shepard,	Alstead.
Elisha Payne,	Haverhill.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Atkinson and Plais-	} Nathaniel Peabody.
tow,	
Brentwood,	Samuel Dudley.
Candia,	Stephen Fifield.
Chester,	James Blanchard.
Deerfield,	Moses Barnard.

Exeter,	Dudley Odlin.
Hampton,	Joseph Dow.
Hampton Falls,	Nathaniel Healey.
Kingston,	Amos Gale.
Londonderry,	John Pinkerton.
	John Prentice.
Newmarket,	Nathaniel Rogers.
Nottingham,	Thomas Bartlett.
Pelham,	Jacob Butler.
Portsmouth,	John Pickering.
	George Gains.

## STRAFFORD COUNTY.

Conway, Eaton,	}	David Page.
Burton and		
Locations		
Dover,		Joshua Wingate.
Gilmanton,		Joseph Badger.
Sanbornton,		James Hersey.
Somersworth,		John Rollins.
Wakefield, Middle-	}	David Copp.
ton and Effing-		
ham,		

## HILLSBOROUGH COUNTY.

Amherst,		William Peabody, Jr.
Bedford,		Zachariah Chandler.
Dunstable,		N. Lovell.
Fishersfield,		James Flanders.
Goffstown,		Job Dow.
Hancock, Antrim	}	Hugh Orr.
and Deering,		
Henniker and Hills-	}	John Dutton.
borough,		
Hollis,		Daniel Emerson.
Lyndeborough,		Nehemiah Rand.
Merrimack,		Timothy Taylor.
New Boston,		Jonathan Gove.
New Ipswich,		Charles Barrett.
Peterborough and	}	Nathan Dix.
Society Land,		
Raby and Mason,		Amos Dakin.
Temple and Peter-	}	Benjamin Cragin.
borough Slip,		
Weare,		Jonathan Dow.
Wilton,		Abiel Abbott.

## CHESHIRE COUNTY.

Alstead,	Nathaniel S. Prentice.
Charlestown,	John Hubbard.
Chesterfield,	Moses Smith.
Cornish and } Grantham,	Moses Chase.
Durham and Pack- } ersfield,	Samuel Griffin.
Fitzwilliam,	Caleb Winch.
Jaffrey,	Abel Parker.
Keene,	Benjamin Hall.
Marlboro,	Jedediah Faynke.
Newport and Croy- } don,	Stephen Powers.
Plainfield,	Joseph Kimball.
Richmond,	Jonathan Gaskill.
Stoddard and Wash- } ington,	Jacob Copeland.
Surry and Gilsum,	Samuel Holmes.
Swanzy,	Elisha Whitcomb.
Walpole,	Amasa Allen.
Winchester,	Simon Willard.

## GRAFTON COUNTY.

Campton, Thornton, } Lincoln, Holder- ness and Fran- conia,	Moses Baker.
Enfield, Canaan, } Cardigan, Dor- chester and Graf- ton,	Jesse Johnson.
Hanover,	Jonathan Freeman.
Lebanon,	Edmund Freeman.
New Chester, Alex- } andria and Cock- ermouth,	Thomas Crawford.
Orford and Lyme,	William Simpson.
Plymouth, Rumney } and Wentworth,	Francis Worcester.

[*First Session, Held at Concord, June 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 1787.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THREE JUSTICES OF THE PEACE UNUS QUORUM  
TO DETERMINE ALL DISPUTES CONCERNING THE MAINTAINANCE  
OF THE POOR.

[Passed June 19, 1787. Original Acts, vol. 10, p. 118; recorded Acts, vol. 5, p. 345. Laws, 1780 ed., p. 441; Perpetual Laws, 1789 ed., p. 46. See act of June 25, 1777. Repealed June 20, 1792.]

Whereas, there is no law now in force within this State, whereby any particular court, is impowered to determine disputes and controversies, which may arise concerning the settlement and support of the poor. And whereas it would greatly tend to the ease & convenience of the Inhabitants of this State to hear and determine all such disputes, as near as may be to the place where they arise; and in a summary way: to the end, that the poor may not perish through want, while the parties are contending in law about the burthen of their maintainance—

Be it therefore enacted by the Senate and House of Representatives in general Court convened, That all disputes which may arise in any county within said State, concerning the support and maintainance of any poor person; shall be heard and determined by three Justices of the peace unus quorum in such County: who, on a petition being preferred to them, shall order the adverse party to be served with a copy thereof, with their order thereon; appointing a proper day and place of hearing; giving eight days notice at least. And on hearing both parties, or the petitioner only, (if the adverse party on notice as aforesaid, shall not appear) shall proceed to make such order thereon, as shall appear just; either for the past or future maintainance of such person, or persons; and may tax cost for either party, and issue execution thereon accordingly, under the hand and seal of the said quorum Justice, who shall keep all records & proceedings thereon. And in all cases where such orders are made, against any town or parish; or against any selectmen of any town or parish; the execution shall issue against the selectmen thereof, for the time being, and their estates. And they, or their successors, shall assess the Inhabitants of such town, or parish, to reimburse them, unless they shall have so much of the town or parishes money in their hands, at the time such execution is served. And the said quorum Justice shall be allowed six shillings per day, and the other Justices five shillings per day;

with travelling fees as in cases of taking depositions. And in case the selectmen of any town or parish, or any relative of any poor person, in the line of father, or grandfather, mother, or grandmother, children or grand children (such relations being of sufficient ability) shall disobey the order of any such Justices, concerning the past or future maintenance, of any poor person or persons; the petitioner in such case may apply to such Justices as before mentioned, or to any other three Justices (one being of the quorum) within such county where such disputes and controversies, may arise as aforesaid; by a new petition, setting forth the former order, and that the same hath not been complied with. And such Justices giving notice as aforesaid, to such Relation, or Selectmen, of such town, or parish respectively; may hear the parties thereon as aforesaid, and may order the petitioner a reimbursement of all damages and charges, sustained by means of the first orders not being complied with, and double costs, and issue execution accordingly. And so toties quoties

And any person aggrieved at the sentence or order of any such Justices; may petition the Justices of the superior court at any time within six months after such sentence or order is declared, setting forth the original petition and order or sentence thereon, and briefly stating the evidence produced on trial, and assigning such errors as shall appear therein; which petition shall be lodged in the Clerk's office of the superior court & a copy thereof attested by the Clerk, delivered to the adverse party or some one of them, by the petitioner, or at his cost; at least fourteen days before the sitting of said court; for his or their appearance. And the petitioner shall produce an attested copy of the whole case. And the Justices of the superior court shall hear the parties or such of them as shall appear, on the matters and causes assigned for error, as well in fact as in law; and admit a trial by a jury, on a proper issue joined; and shall determine the same according to law.

And in case the first sentence shall be reversed, the said superior court shall award to the petitioner, restitution of all costs & damages sustained thereby; and with additional costs: Otherwise the adverse party shall recover double costs. And the same rules shall be observed in respect to execution awarded by the superior court, as have been before mentioned.

And Be it further enacted, That when it shall happen that any such pauper, belonging to any such town or parish in one County, shall come to sojourn or reside in any town or parish belonging to another County within this State any three Justices one of whom being a Justice of the peace & of the quorum throughout this State; shall, and they hereby are empowered, to take cognizance of, hear, try & determine, such disputes; and to award execution, to carry such judgement into effect. And in

case the selectmen of any town or parish, or any relation of any poor person in the line of father, or grandfather; mother or grandmother; children or grandchildren (being of sufficient ability) shall disobey the order of such last mentioned Justices, concerning the past or future maintainance of any such poor person or persons; the petitioner in such case may apply to such Justices last mentioned, or to any three other Justices, (one of whom being a justice of the peace throughout this State and of the quorum) by a new petition; setting forth the former order; and that the same hath not been complied with. And such justices, giving notice as aforesaid, to such relation, or selectmen of such town, or parish respectively, for the time being; may hear the parties thereon as aforesaid; and may order the petitioner a reimbursement of all damages and charges sustained by reason of the first order's not being complied with; and double costs; and issue execution accordingly. And so toties quoties.

Provided always no application to the superior court shall delay or hinder the order of the said Justices from being put in execution untill the final order of the superior court thereon—

And any party agrieved at the sentence or order of such last mentioned justices may petition the justices of the superior court; and have a hearing upon such petition; and process shall be had thereon in like manner as is above directed—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO REPEAL ALL ACTS, RESOLVES AND CLAUSES OF ACTS, REPUGNANT TO THE TREATY OF PEACE BETWEEN GREAT BRITAIN AND THE UNITED STATES—

[Passed June 21, 1787. Original Acts, vol. 10, p. 119; recorded Acts, vol. 5, p. 348. Laws, 1780 ed., p. 443; Perpetual Laws, 1789 ed., p. 164. See acts of November 6, 1784 and September 15, 1786.]

Whereas certain laws, statutes or resolves, made and passed in this State prior to such treaty are regarded and complained of as repugnant to the treaty of peace with Great Britain, by reason whereof not only the good faith of the United States, as pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected.

And Whereas justice to Great Britain, as well as regard to the honor and interests of the United States require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this State, be effectually removed.

Therefore Be it enacted by the Senate and House of Repre-

sentatives in general court convened. That such of the Acts, Resolves, or parts of Acts, of the legislature of this State, as are repugnant to the treaty between the United States and his Britanic Majesty, or any article thereof, shall be and hereby are repealed. And further that the courts of law & equity within this State, be and hereby are directed and required in all causes and questions cognizable before them respectively, arising from or touching the said treaty to decide and adjudge according to the tenor true intent and meaning of the same; any thing in said acts, resolves, or parts of acts to the contrary thereof in any wise notwithstanding—

### [CHAPTER 3.]

*State of  
New Hampshire. }*

#### AN ACT TO SET OFF MUTUAL EXECUTIONS AGAINST EACH OTHER.

[Passed June 21, 1787. Original Acts, vol. 10, p. 120; recorded Acts, vol. 5, p. 349. Perpetual Laws, 1789 ed., p. 64. See acts of June 27, 1787 and February 8, 1791. Repealed June 20, 1792.]

Whereas it is just and reasonable, that mutual executions should be set off against each other, Therefore Be it enacted by the Senate and House of Representatives in General Court convened, that in all cases where any persons have mutual executions against each other in their own rights—or where any person as Executor or Administrator has or may have an execution against another; who has or may have in his own right, an execution against such executor or administrator for a debt due from his testator or intestate—or where executors or administrators have executions against each other for mutual demands between their testators or intestates—the Sheriff at the request of the Creditor upon either Execution, shall set off one Execution against the Other, which set off, if the sum contained in such Mutual executions be equal, shall satisfy them, & return thereof shall be so made by the Sheriff. And where the sum contained in one of said mutual executions is greater than the Other, the Sheriff upon request as above said, shall set off and deduct the less from the greater sum and shall return the execution for the less sum satisfied, and shall proceed to levy the balance upon the other execution as directed in the writ, And in all cases where mutual Executions shall be set off against each other this special matter shall be returned



## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT FOR ALTERING THE TIME OF THE SITTING OF THE INFERIOR COURT OF COMMON PLEAS AND THE COURT OF GENERAL SESSIONS OF THE PEACE AT CHARLESTOWN IN THE COUNTY OF CHESHIRE

[Passed June 23, 1787. Original Acts, vol. 10, p. 121; recorded Acts, vol. 5, p. 350. Laws, 1780 ed., p. 440; Perpetual Laws, 1789 ed., p. 42. Repealed June 20, 1792.]

Whereas the time by law established for holding the Inferior Court of Common Pleas at Charlestown in the County of Cheshire on the second Tuseday in September annully, and the Court of General Sessions on the Thursday next following are found very Inconvenient and some alterations necessary

Therefore be it enacted by the Senate and House of Representatives in General Court conven<sup>d</sup> that the Inferior Court of Common Pleas by Law to be holden at Charlestown in the County of Cheshire on the second Tuseday in September hereafter shall be holden at said Charlestown on the fourth Tuseday in September annully and the Court of General Sessions of the Peace by Law to be holden on the Thursday next following the second Tuseday in September annually at Charlestown shall be hereafter holden at said Charlestown on the Thursday next following the fourth Tuseday in September annually, and all Writs appeals actions Recognizances and Processes depending in or returnable to said Courts respectively shall be taken up sustained and acted upon in like manner as if no alteration in the holding of said Courts had taken place any Law usage or custom to the contrary notwithstanding.

## [CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT—TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF MERRIMACK RIVER, IN HENRY GERRISH ESQUIRE OF BOSCAWEN, HIS HEIRS & ASSIGNS

[Passed June 23, 1787. Original Acts, vol. 10, p. 122; recorded Acts, vol. 5, p. 350.]

Whereas the said Henry Gerrish, hath Petitioned the General Court representing, that he was possessed of a Farm formerly

owned by Jonathan Heath in the Parish of Northfield adjoining to Merrimack river, where there has been a ferry kept by the owner of said Farm, for more than twenty years across said River from Northfield to Salisbury, which hath been of great advantage to the public, as well as to the inhabitants of the said Towns, who have occasion to pass that way—That since he has purchased said farm, he has, at his own expence, kept a ferry at said place, and been at considerable cost in building a boat & making preparation for the transporting Teams & horses over the said River—

Wherefore he prayed that the exclusive privilege of said ferry might be granted to him, and his Heirs and assigns, within such limits, and under such regulations as to the wisdom of the Court might seem proper; which representation appearing just, and the prayer of said Petition reasonable—

Be it therefore Enacted, by the Senate and house of Representatives in General Court conven'd, That the sole & exclusive Right & privilege of keeping a ferry over said River, in any place within two mile of the dwelling house standing on the farm aforementioned, be and hereby is granted to, and vested in Him the said Henry Gerrish, his heirs & assigns, he and they from time to time as the same shall fall, giving bond with surety in the sum of a hundred pounds to the Clerk of the Court of General Sessions of the Peace for the County of Rockingham that the said Ferry shall be constantly attended and well kept—

And be it further Enacted, by the authority afores<sup>d</sup> that if any other person or persons shall for hire or reward transport over said River within two miles of the above mentioned dwelling House, any person, creature or thing, such person so transporting shall forfeit & pay to the said Henry Gerrish, his heirs & assigns, the sum of forty shillings for each person, creature or thing so transported, to be recovered by Action of Debt before any Justice of the Peace within the said County—And be it further Enacted, by the Authority aforesaid, that the said Henry Gerrish his heirs and assigns shall furnish and forever hereafter allow a passable road for travelling through his farm to and from the ferry with carts, waggons and any other carriages that may pass that way which Road shall be furnished with a Gate or Gates as may be found necessary.

## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT, FOR REVIVING AN ACT, INTITLED AN ACT IN ADDITION TO AN ACT INTITLED, AN ACT TO REPEAL SUNDRY ACTS OF THIS STATE RELATING TO TAVERNERS, INNHOLDERS RETAILERS AND COMMON VICTUALLERS, AND FOR REGULATING TAVERNS, INNS AND RETAILERS WITHIN SAID STATE PASSED MARCH THE 22<sup>nd</sup> 1782—

[Passed June 25, 1787. Original Acts, vol. 10, p. 122; recorded Acts, vol. 5, p. 352. Laws, 1780 ed., p. 445; Perpetual Laws, 1789 ed., p. 244. See act of March 30, 1781; also act of June 14, 1791.]

Whereas said Act is expired, and as it is thought necessary to revive the same—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Act with every clause thereof be, and hereby is, revived, reenacted, and Continued to be in force for the Term of three Years and no longer.

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT VESTING THE PRESIDENT OF THIS STATE WITH POWER TO PROCURE THE RETURN OF THE RECORDS AND PAPERS BELONGING TO THE SAME, IN THE HANDS OF THE LATE GOVERNOR JOHN WENTWORTH ESQ<sup>R</sup>

[Passed June 21, 1787, Original Acts, vol. 10, p. 123; recorded Acts, vol. 5, p. 352.]

Whereas the records and papers belonging to this State, in the hands of the late Governor John Wentworth Esq<sup>r</sup> should be returned according to the tenor and design of the definitive Treaty between Great-Britain and the United States; for the procuring & receiving of which, it is necessary, that some person, in behalf of the State, should be authorized and appointed—

Therefore, Be it enacted by the Senate & House of Representatives in General Court convened, that, His Excellency, the President of this State, for the time being, be and hereby is desired and empowered in behalf of the State, to take such measures as he may think best, for recovering said records and papers, and upon receiving the same, to give a proper receipt therefor—

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO CONFIRM UNTO JONAS CUTTING A CERTAIN LOT OF  
LAND IN CROYDON—

[Passed June 26, 1787. Original Acts, vol. 10, p. 124; recorded Acts, vol. 5, p. 353.]

Whereas Jonas Cutting of Croydon in the County of Cheshire and State of New Hampshire husbandman hath petitioned the General Court representing that in the year A D 1779 Obadiah Newton of Spencer in the county of Worcester and Commonwealth of Massachusetts in consideration of one hundred and thirty pounds lawful money sold and conveyed to the said Jonas and his heirs a lot of Land in said Croydon containing one hundred acres more or less, Numbered, Twenty one, in the first division of the hundred acre Lots in said Croydon, the Deed of which land, tho' bona fide, made, by the said Newton to the said Cutting was not acknowledged or recorded, That the said Cutting by virtue of said deed entered into said Land, had possessed and improved the same ever since: That long after the execution of said deed & while the said Cutting was in the quiet possession of the said Land, the aforesaid Newton made and executed a deed of the same to Joshua Whitney of Worcester in the county of Worcester afores<sup>d</sup> Gent. who was well knowing, at the time of taking said last mentioned deed, of the execution of said first deed—Wherefore the said Cutting prayed that his deed might be made firm and valid against the fraudulent deed to the said Whitney—The prayer of which said petition after a full hearing thereof appearing reasonable,

Therefore Be it enacted by the Senate and House of Representatives in General Court convened, That the deed of said Newton to the said Cutting be and hereby is established and the Title to the Land therein mentioned confirmed to the said Jonas Cutting his heirs and assigns against any claim, title or demand of the said Joshua Whitney his heirs or assigns to the same Land by virtue of said deed from said Newton to said Whitney, or any other conveyance from s<sup>d</sup> Newton to said Whitney posterior to the deed so given to the said Cutting, any law or custom to the contrary notwithstanding.

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A  
FERRY OVER A CERTAIN PART OF CONNECTICUTT RIVER IN  
AZARIAH WEBB OF PEIRMONT HIS HEIRS AND ASSIGNS—

[Passed June 26, 1787. Original Acts, vol. 10, p. 125; recorded Acts, vol. 5, p. 354.]

Whereas the said Azariah Webb hath petitioned the General Court, representing that all that part of Connecticut River between Cap<sup>t</sup> Richard Youngs farm in the south west corner of Piermont aforesaid & Cap<sup>t</sup> Uriah Stones farm which he now lives on, inclusively, has never been granted to any person or persons whatever—That the public interest requires, that a well regulated ferry be kept within the said described limits, and that the petitioner's situation is such that he can conveniently serve the public in that Respect: Wherefore he Prays that the exclusive privilege of keeping a ferry over said River, within the limits afores<sup>d</sup> may be granted to Him, his Heirs and assigns forever; which representation appearing just, and the prayer of said petition Reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court conven'd that the Sole and exclusive Right and privilege of keeping a ferry over said River at any place between the said Richard Youngs farm and the aforesaid Uriah Stone's farm in Piermont afores<sup>d</sup> be and hereby is granted to, and vested in the Said Azariah Webb his heirs and assigns, he or they from time to time as the occasion may require giving bond with sufficient Surety in the sum of One hundred pounds to the Clerk of the Court of the General Sessions of the Peace for the County of Grafton, that the said ferry shall be constantly attended and well kept

And be it further Enacted by the Authority aforesaid, that if any other person or persons, shall for hire or reward transport over said River within the limits aforesaid, any person creature, or thing, such person so transporting shall forfeit and pay to the said Azariah Webb, his heirs or assigns, the sum of forty shillings for each person, creature or thing so transported; to be recovered by action of Debt before any Justice of the peace within said County

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO, AND IN EXPLANATION OF, AN ACT, INTITLED "AN ACT FOR GRANTING AN EXCISE ON SEVERAL SORTS OF LIQUORS FOR THE USE OF THIS STATE"—

[Passed June 27, 1787. Original Acts, vol. 10, p. 126; recorded Acts, vol. 5, p. 356. Laws, 1780 ed., p. 445; Perpetual Laws, 1789 ed., p. 148. The act referred to is dated September 1, 1781. See also act of December 28, 1782. Partially repealed by act of January 28, 1791. Repealed June 20, 1792.]

Whereas by an act made and passed the first day of september Anno Domini 1781 intituled "an act for granting an excise on several sorts of liquors for the use of this State," it is provided, that such excise shall be paid quarterly to such receiver, or farmer of said excise, as shall be appointed to receive the same, or to his deputy, in lawfull money of this State (the tavern keepers, & retailers, being allowed a deduction of twenty per. cent. on all such wines, rum, brandy, or other distilled spirits, as they shall have sold) an account of which they shall give quarterly to said receiver, farmer or deputy, upon oath if required, which oath the said receiver, farmer or deputy, is thereby authorized to require and administer, without fee or reward— And further, that if any such taverner, innholder or retailer shall refuse to take such oath, at the request of the said receiver, farmer or deputy, they shall forfeit the sum of ten pounds, and so toties quoties, to be recovered the said receiver, farmer or deputy, upon complaint made to the court of general sessions of the peace, within the county where such delinquent dwells, who are thereby impowered to give judgment and award execution thereon accordingly—Which said act does not make the person rendering said account, and taking said oath, liable to the penalty aforesaid, in case he refuses to pay said excise, when said account is rendered, and sworn to as aforesaid. For remedy whereof—

Be it enacted by the Senate and House of Representatives in general court convened that in case any taverner, innholder or retailer, shall refuse to pay his or her excise as aforementioned, upon request made by such receiver, farmer or his deputy, at the time of rendering his or their account as aforementioned, they shall forfeit the sum of ten pounds, to be recovered as aforesaid, and so toties quoties, for every such neglect—

And Whereas, by said act two credible witnesses are required, to prove any offence against the same, for selling without licence; which often renders it impossible to prove the fact. Therefore for remedy of the same—

Be it enacted, That no other mode of evidence shall be required upon any trial for any offence against said act, than what shall be deemed sufficient at common law—Any law usage or custom to the contrary notwithstanding—

Provided always, that nothing in this act shall be construed to be retrospective—

[CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER ROBERT MORRELL TO ENTER AN ACTION AT THE NEXT SUPERIOR COURT FOR THE COUNTY OF HILLSBOROUGH—

[Passed June 27, 1787. Original Acts, vol. 10, p. 127; recorded Acts, vol. 5, p. 357.]

Whereas Robert Morrell of Bedford in the county of Hillsborough yeoman hath petitioned the general court setting forth that he commenced an action, at the inferior court of common pleas for said county of Hillsboro' on the second tuesday of may Anno Domini 1785, against the Inhabitants of Bedford aforesaid, for the sum of twenty one pounds eight shillings and three pence; which they had received of this State for wages due to him as a continental soldier. At which court he appealed to the next superior court of Judicature for said County, to be holden at Amherst on the second tuesday of may Anno Domini 1785, when & where the said Morrell by reason of his poverty was unable to enter his said action, whereby he lost his remedy for his aforesaid demands And praying that liberty might be granted him to enter his action aforesaid at the next superior court for said county, and to prosecute the same in as ample a manner as if the same had been entered at the court aforesaid to which it was appealed—And the premises being made appear, and the prayer of said petition appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in general court convened, that the said Morrell have liberty, and be empowered, and he hereby is empowered, to enter his said action at the next superior court of judicature for said county of Hillsborough, and to prosecute the same in as ample a manner as tho the same had been entered at the court aforesaid, to which it was appealed, any law usage or custom to the contrary notwithstanding—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT, ENTITLED "AN ACT, TO REGULATE  
 FLAX SEED POT-ASH AND PEARL-ASH, FOR EXPORTATION

[Passed June 27, 1787. Original Acts, vol. 10, p. 128; recorded Acts, vol. 5, p. 358. Laws, 1780 ed., p. 446; Perpetual Laws, 1789 ed., p. 199; Laws, 1792 ed., p. 329. The act referred to is dated June 23, 1785. See also acts of September 27, 1787 and December 28, 1791. Repealed June 18, 1805.]

Whereas by an act made and passed by the general court of New Hampshire entitled "an act to regulate flaxseed, pot-ash, and pearl-ash, for exportation;" the President and Council are impowered to appoint within such seaport towns within this State as there shall be occasion, one or more skilfull person or persons, to be Assay masters for the proving and assaying pot-ash and pearl-ash, whose qualifications and duty are therein set forth; but no provision is therein made, for appointing of any such assay-masters in any other towns except seaport towns as aforesaid, and it appearing to be of publick utility that such should be appointed in other towns—Therefore—

Be it enacted by the Senate and House of Representatives in general court convened, that the President and Council be, and they hereby are impowered to appoint in any town or towns within this State, as occasion shall require one or more skilfull person or persons, to be assay-masters, whose duty and qualifications shall be the same, as are by the aforementioned act required

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT, FOR SETTING OFF DEBTS AND  
 MUTUAL DEMANDS—

[Passed June 27, 1787. Original Acts, vol. 10, p. 129; recorded Acts, vol. 5, p. 359. Laws, 1780 ed., p. 446. See acts of June 15, 1765, June 21, 1787 and February 8, 1791. Repealed June 20, 1792.]

Whereas by an act made and passed in the fifth year of his majesty king George the thirds reign, mutual debts, and demands, may be set-off against each other, either by being plead in barr, or offered in evidence as the case may require; but no provision is made, in case the defendant's demand, shall exceed the plaintiff's, for remedy whereof—



Be it enacted by the Senate and House of Representatives in general court convened, that when an off set, is plead in barr or offered in evidence by the defendant against the plaintiff's demand, in any action, in which by said act an offset is allowed; if it is found by the jury who shall try the cause, that there is a ballance due to the defendant; judgment shall be rendered for the defendant, for such sum or ballance, as they shall find due, and legal costs—

And be it further enacted, that when any offset, shall be plead as aforesaid, in any case triable by a justice of the peace, the justice shall in like manner render judgment, and grant execution accordingly, for the ballance he may find due to the defendant. Provided, the ballance so found, exceeds not his jurisdiction—

#### [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT TO ESTABLISH, CERTAIN IMPOST DUTIES ON VARIOUS FOREIGN ARTICLES IMPORTED INTO THIS STATE—

[Passed June 27, 1787. Original Acts, vol. 10, p. 130; recorded Acts, vol. 5, p. 360. Laws, 1780 ed., p. 447; Perpetual Laws, 1789 ed., p. 155. The act referred to is dated March 4, 1786.]

Whereas the before recited act, is in sundry respects insufficient to empower the impost officer to inforce the collection of the revenue there by intended to be raised—Therefore,

Be it enacted, by the Senate and House of Representatives in general court convened, that the impost officer, or in his absence one of his deputies properly authorized for that purpose, by said impost officer: May enter on board any vesel coming into any port, haven, or creek, within this State; and remain on board said vesel himself, or place a deputy to remain on board, untill the time appointed by law for making report to the impost officer. And after said report is made; the said impost officer, or deputy, is hereby impowered to examine and compare the cargo imported, with the report made. And in case any part of the cargo consisting of dutied articles, shall not be reported; such articles shall be forfeited: one third part thereof, for the use of the said impost officer, or deputy (complaining) and the other two thirds, to, and for, the use of the State. To be recovered as in and by said act is provided—

And be it further enacted, that all bonds, given for impost duties; shall be discharged in silver or gold according to the tennor thereof. Any tender acts, or acts for offsetting mutual demands to the contrary notwithstanding—

And in case any bond given for the payment of impost duties, shall not be paid at the time limited in the condition thereof; The impost officer shall lodge the same, with the treasurer of the state; who shall within thirty days after his receiving the same, issue an extent thereon, in the same manner as is now practiced by law on bonds given for the payment of excise—

And be it further enacted that the impost officer shall give bond in the sum of three thousand pounds, to the treasurer of this State, for the time being; conditioned for his accounting with the treasurer of the State, quarterly for the duties by him received. And in case of failure of his duty, the treasurer shall, within thirty days, after the expiration of any quarter; issue his extent in common form, against said impost officer and his sureties—

And be it further enacted, that the said impost officer, shall not allow any drawback of duties, on imported articles, for, or on account, of monies imported; unless the captain shall make oath before the said impost officer, and prove by the oath of one witness at least, that the said money was on board the vessel, when she sailed from some foreign port, and shall produce, and count, the said money, in the presence of the said impost officer—

#### [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT FOR APPOINTING DEPUTIES FROM THIS STATE TO THE CONVENTION, PROPOSED TO BE HOLDEN IN THE CITY OF PHILADELPHIA IN MAY 1787 FOR THE PURPOSE OF REVISING THE FEDERAL CONSTITUTION—

[Passed June 27, 1787. Original Acts, vol. 10, p. 131; recorded Acts, vol. 5, p. 362.]

Whereas in the formation of the federal compact, which frames the bond of union of the american-states, it was not possible in the infant state of our republic to devise a system which in the course of time and experience, would not manifest imperfections, that it would be necessary to reform.

And Whereas, the limited powers, which by the articles of confederation are vested in the Congress of the united states, have been found far inadequate to the enlarged purposes which they were intended to produce.

And whereas Congress hath, by repeated and most urgent representations, endeavoured to awaken this, and other states of the union, to a sense of the truly critical, and alarming situation, in which they may inevitably be involved, unless timely measures be taken to enlarge the powers of Congress, that they

may thereby be enabled, to avert the dangers which threaten our existance, as a free and independant people. And whereas, this state hath been ever desireous to act upon the liberal system of the general good of the united states, without circumscribing its views to the narrow, and selfish objects, of partial convenience; and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate—

Be it therefore enacted by the Senate and House of Representatives in general court convened, that John Langdon, John Pickering, Nicholas Gilman, and Benjamin West Esq<sup>rs</sup> be, and hereby are, appointed Commissioners; they, or any two of them, are hereby authorized, and impowered, as Deputies from this State to meet at Philadelphia said Convention, or any other place to which the said Convention may be adjourned; for the purposes aforesaid, there to confer with such deputies, as are, or may be appointed by the other States for similar purposes; and with them to discuss and decide upon the most effectual means to remedy the defects of our federal union; and to procure, and secure, the enlarged purposes which it was intended to effect, and to report such an act, to the United States in Congress, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same—

## [CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT FOR THE MORE SPEEDY RECOVERY OF SMALL DEBTS,  
AND TO SAVE THE COST USUALLY ATTENDING THE RECOVERY  
THEREOF IN THE PRESENT COURSE OF THE LAW.

[Passed June 28, 1787. Original Acts, vol. 10, p. 132; recorded Acts, vol. 5, p. 363. Laws, 1780 ed., p. 448; Perpetual Laws, 1789 ed., p. 65; Laws, 1792 ed., p. 109. See acts of November 7, 1785, December 16, 1796 and June 25, 1797.]

Whereas the common and ordinary method of recovering small debts proves very burthensome to poor debtors.

Therefore Be it enacted by the Senate and House of Representatives in General Court convened That any person, or persons who shall Voluntarily appear before any Justice of the peace in the County where, he, She, or they live and confess that he, she or they do justly owe, and stand indebted to any other person or persons in any Sum not exceeding Ten pounds, and that such person or persons consent that a record thereof be made, and execution issued accordingly, or be Stayed for such time as may be agreed by the parties

The Justice is hereby authorized and directed to make a fair record of such confession and agreement & to order the person or persons so confessing, and likewise the creditor or his Agent to Sign the same & the Justice shall enter up Judgment thereon and issue execution According to such Judgment; and Such Justice shall enter on the evidence of the demand the Sum for which Judgment was confessed together with the time and place of doing the same & keep the same in a proper file for that purpose.

And be it farther enacted that such execution may be Served (within said County) in the same manner as executions issued from the Inferior Court by law may be done.

And be it further enacted that any Two, or more persons having a controversy between them of Ten pounds value or under may apply to a Justice of the peace and enter into a rule to refer the same to such person or persons as they may agree upon. And the said Justice is hereby empowered to receive the report enter up Judgment & issue Execution thereon for the damages & costs of suit provided the damages do not exceed the sum of Ten pounds which report being received and Judgment entered thereon as aforesaid the same shall be final & conclusive between the parties.

## [CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT FOR ALTERING THE TIME FOR HOLDING THE SUPERIOR COURT IN THE COUNTY OF CHESHIRE, AND FOR ALTERING THE TIME & PLACE FOR HOLDING THE SUPERIOR COURT IN THE COUNTY OF GRAFTON.

[Passed June 28, 1787. Original Acts, vol. 10, p. 133; recorded Acts, vol. 5, p. 365. Laws, 1780 ed., p. 448. See act of February 17, 1785.]

Whereas the Superior court of Judicature that by law was to have been holden at Charlestown on the third tuesday of May last by order of the Justices of said court was adjourn'd to the monday next preceeding the second tuesday of October next, and whereas the Superior Court of Judicature that by law was to have been holden at Plymouth on the fourth tuesday of May last by order of the Justices of said court, was adjourn'd to the monday next preceeding the third tuesday of October next, which adjournment interfering with the next circuit Courts—And it appearing necessary that the said Superior court shou'd set at Charlestown & Keen for the County of Cheshire

Therefore be it Enacted by the Senate and House of Representatives in General court convened that the Superior Court of

Judicature, by Law to be held at Keen on the second tuesday of October next be, and hereby is adjourn'd until the third tuesday of October next—And the Superior court of Judicature that stands adjourn'd as aforesaid to be held at Plymouth in the County of Grafton on the monday next preceeding the third tuesday of October next, shall be held at Haverhill in said County of Grafton on the monday next preceeding the fourth tuesday of October next, and the Superior Court which by law is to be holden at Haverhill in said County of Grafton on the third tuesday of October next, be and hereby is adjourn'd until the fourth tuesday of October next Whereof all persons are to take notice and govern themselves accordingly—And all appeals, recognizances, writts, venires, or processes of any kind, that are returnable to, or Sustainable by said courts respectively; Shall be returned to, sustained by and prosecuted in like manner, as though the said adjournments had not taken place, any law usage or custom to the contrary notwithstanding.—

## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT, TO QUIET ALL BONA FIDE PURCHASERS OF LANDS, BETWEEN A LINE CROSSING OVER LANDS UPON A STRAIT COURSE, FROM THE NORTHEAST EXTREMITY OF THE EAST LINE OF MASON'S PATENT; BEING SIXTY MILES FROM THE SEA ON A STRAIT LINE, AND RUNNING TO THE EXTREMITY OF THE WESTERN SIDE LINE OF SAID PATENTS AT SIXTY MILES DISTANCE FROM THE SEA, ON A STRAIT LINE; AND THE CURVE LINE (SO CALLED) CLAIMED BY THE PERSONS, CALLING THEMSELVES THE MASONIAN PROPRIETORS; AS THE HEAD LINE OF SAID PATENT—

[Passed June 28, 1787. Original Acts, vol. 10, p. 134; recorded Acts, vol. 5, p. 366. Laws, 1780 ed., p. 449; Perpetual Laws, 1789 ed., p. 104.]

Whereas, doubts may arise in the minds of honest settlers, and bona fide purchasers, that they may be disturbed in their possessions, if the lands between the said head line at the end of sixty miles, and the said curve line; should be recovered and taken possession of by the State—Wherefore, to remove all such doubts—Be it enacted by the Senate, and House of Representatives, in general court convened; that all lands situate between the said curve and strait lines, which were bona fide granted, or sold, by the king of great britain; or by the persons calling themselves the masonian proprietors; or by the persons claiming the lands within the said patent, in the right of Samuel Allen Esquire, prior to the first day of June 1786; be and hereby are

quieted in the title of lands so purchased, so far as that the state shall not hereafter disturb, or interfere with such titles.

And be it further enacted, that such persons as have entered, and made improvements, upon tracts of land between the said curve, and strait lines, that have not been heretofore granted or sold, by the king of great britain, the masonian proprietors, or the heirs of Samuel Allen Esquire; such persons or inhabitants shall be quieted in their possession, upon paying to this state the value of uncultivated lands in the vicinity of the same—

And be it further enacted, that the boundaries of all townships within this state, shall be and remain as heretofore fixed and established, notwithstanding any alteration that may happen in the establishment of the head line of said patent. Provided nevertheless, that nothing in this act contained, shall be construed to extend to lands now claimed by persons commonly called the masonian proprietors, or their heirs; or the proprietors claiming under Samuel Allen Esquire, or their heirs; in their own right. Or any township granted or conveyed to, and among themselves, not bona fide conveyed to any other persons, or to any lands reserved by them, or either of them, to and for the use of themselves and their heirs—

#### [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO REPEAL AN ACT PASSED THE NINTH DAY OF NOVEMBER ANNO DOMINI 1785 ENTITLED "AN ACT FOR THE RECOVERY OF SMALL DEBTS IN AN EXPEDITIOUS WAY & MANNER.

[Passed June 28, 1787. Original Acts, vol. 10, p. 135; recorded Acts, vol. 5, p. 367. Laws, 1780 ed., p. 450. See act of June 28, 1787.]

Whereas the before recited Act is not thought Necessary to be longer continued in force

Therefore. Be it enacted by the Senate, and House of Representatives, in General Court convened, that the said Act entitled "An Act for the recovery of small Debts in an expeditious way and manner, be, and the same hereby is repealed, and declared to be no longer in force.

Provided nevertheless, and it is hereby further enacted that the repeal of the before recited Act, shall not in any way or manner hurt, alter or make void any proceedings or doings of any Justice of the peace done under the Authority of said Act

## [CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT TO EXEMPT THE BODIES OF DEBTORS FROM PRISON IN  
CERTAIN CASES WHEN SUFFICIENT ESTATE IS TENDERED TO  
SATISFY THE DEMAND—

[Passed June 28, 1787. Original Acts, vol. 10, p. 136; recorded Acts, vol. 5, p. 368. Laws, 1780 ed., p. 450; Perpetual Laws, 1789 ed., p. 66. See act of June 23, 1786.]

Whereas in the present scarcity of cash it is extremely difficult in all cases for debtors to discharge the demands against them in silver or gold and the committing persons to prison on execution for debts in every case when real or personal estate is tendered by the debtor or found by the creditors to satisfy the same would at this time be very Injurious

Therefore be it enacted by the Senate and House of Representatives in general Court convened that after the publication of this Act and during the continuance thereof whenever any debtor shall tender to the creditor or officer in satisfaction of any execution recovered upon action of debt covenant or promise (except in an Action upon a bond taken by a Sheriff or his deputy or in cases herein after excepted) either real or personal estate sufficient to satisfy the same said debtors body shall not be liable to be taken or held in execution; except as is herein after provided; but the estate aforesaid may be taken by the creditors and appraised off by three reputable freeholders of the county in which said estate shall be taken in the same manner as the Law directs for the appraising real estate in satisfaction of executions

Provided always that in case of estate being tendered as aforesaid the creditor shall not be compelled to accept the estate so tendered but if he can find any other estate real or personal whereon to levy his execution the same may be taken and in all cases where any estate shall be taken on execution the same shall be appraised and set off as aforesaid

And be it further enacted that in all cases where real estate shall be tendered by the debtor and accepted by the creditor no equity of redemption shall be allowed, but if the said real estate is taken at the election of the creditor the same time for redeeming such estate shall be allowed as the law of this State in such cases provides

And be it further enacted that when the creditor shall not think proper to levy his execution on real or personal estate found or tendered as aforesaid, the body of the debtor shall be

exempt and the said debt shall carry six per cent per annum interest on the Judgment untill, the same is satisfied

And be it further enacted that the creditor may at any time renew his execution and take out an alias or pluries as the case may require within one year after the return of any former execution and levy the same on any estate of the debtor which he can find, and the clerk of the court issuing out such alias execution shall cast the Interest thereon from the time of rendering the original Judgment and certify the same on the back of the alias or pluries execution, and the Sheriff or other officer is hereby empowered to levy the same as tho it was contained in the original Judgement Provided always no more than simple interest shall be allowed on any execution

And in order that the sheriff or other officer may know what executions are for debt on contract or promise and what are for damages in trespass and other actions for torts

Be it further enacted that the clerk shall on the back of every execution certify what said execution was recovered upon whether on Note bond, contract, or covenant, or bond taken by the Sheriff or his deputy or for trespass, trover, or other tortious act and if it be upon such sheriffs bond or for any tort the sheriff or other officer shall proceed to levy the same as tho this Act had not been made.

And be it further enacted that when it shall happen that the body of any debtor shall be taken by an execution issued from a Court of record (on which by this act he is admitted to tender real or personal estate) in any other county than where his estate shall happen to lie, if he shall make oath before any Justice of the peace in the county where he happens to be taken that he has estate real or personal in some other county Sufficient to satisfy said execution free from Incumbrance and shall particularly describe the same the Sheriff shall immediately notify the creditor his agent or attorney and shall certify on the back of said execution that the said debtor has made such oath or affirmation and shall deliver the same over to the Creditor who may if he thinks proper repair to the county where such estate is supposed to lay and the Sheriff or his deputy of that county may proceed to serve the same on such estate and make return thereon of his having levied on such estate or that none such could be found and deliver the same to the creditor who is to return the same within twenty days to the Sheriff who first served said execution and in case the creditor neglects so to do within the time aforesaid the sheriff or his prisonkeeper (if the debtor stands committed) shall liberate the debtor upon his paying the fees of service and prison charges if any there be And the Sheriff who first apprehended the body of such debtor shall on his delivering over such execution to the creditor, take and keep a copy thereof which shall be sufficient for him to detain the body



of such debtor during the twenty days aforesaid unless such debtor give bond with sufficient sureties to the sheriff that in case the estate so tendered should be found insufficient to satisfy the execution he will surrender himself to the Sheriff at or before the expiration of the said twenty days upon giving such bond he shall be liberated for that space of time

And be it further enacted that in future executions from any court of record shall be directed to any or either of the sheriffs of the several and respective counties or their deputies unless where the sheriff is a party in which Case they are to be directed to the coroner of his county and to the Sheriffs of the other counties and their respective deputies. And in order that the creditor may not be injured for want of proper notice Be it further enacted that when an execution is delivered or sent to the Sheriff of any county the person delivering or sending the same shall on the back thereof indorse the name of some person in the same county who shall be considered as the creditors Attorney and notified as such unless the creditor live within or can be found in the said Sheriffs precinct

Be it further enacted that in all executions to be issued after the publication hereof on which a tender is allowed by this act "the words to the acceptance of the creditor" shall not be inserted in the same any law usage or custom to the contrary notwithstanding

And be it further enacted that if after such oath or affirmation made as aforesaid no estate can be found and is so certified by the officer the body of the debtor shall be holden until he satisfies the execution with all the costs thereon as tho this act had not been made Provided always that the debtor if required make oath before a Justice of the peace that he has not covered conveyed or disposed of any estate or property of his since the commencement of the suit upon which the said execution was obtained with a design to defraud his creditor

And it is further enacted that in all cases where an execution issuing from a Justice of the peace shall be levied on real estate in consequence of this act the levy shall be made by the sheriff or his Deputy of the County whereto such Justice is commissioned and the execution recorded in the office of the recorder of Deeds for the same county and when any such execution is levied on personal estate the same shall be appraised in the same manner as if the execution had issued from some court of record and every Justice of the peace shall make notes on all executions issued by him in the same manner as the Clerks of the several Courts are directed to do by this Act

Provided nevertheless that this Act shall not extend to or be construed to extend to or affect any contract or obligation made and dated after the last day of August next whereby any person or persons promises to pay Gold or silver

And be it further enacted that all other laws now in force respecting tendering real or personal estate shall after the publication of this act be and hereby are repealed

This Act to continue and be in force for the Space of three years and no longer

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 26, 1787.

Voted that the Attorney General be directed to prosecute the Sheriff of the County of Hillsborough for his neglect in not returning the votes from sundry Towns in said County which were given for President and Senators by the Inhabitants of said Towns—

Senate concurred June 26, 1787.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 27, 1787

Voted that the Attorney General be directed to prosecute such Town Clerks as have been deficient in making Seasonable returns of the votes for President and Senators to the Sherriffs of the respective counties or to the Secretary of this State as the Constitution requires—

Senate concurred June 26, 1787.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 26, 1787

Upon reading and considering a Letter from John Wheelock Esqr as overseer of Moors Charity School so called requesting that Some Suitable persons might be appointed to examine and adjust the accounts of expenditures &c and estimate the yearly value and income of the donations funds &c belonging to said School which request appearing reasonable & necessary and this State being desirous of cherishing that Seminary and of promoting the pious design of such institution—

Therefore be it and it is hereby Resolved by the Senate and House of Representatives in General Court convened that the President and Council of this State for the time being be and hereby are impowered as often as Occasion may require to nominate and appoint three reputable citizens of said State at the charge and expence of said overseer to be auditors & Commissioners to examine and adjust all such accounts of expenditures and disbursements relative to said Charity school as may by the overseer of said School be presented to them for that purpose— And also estimate and appraise the yearly value and income of all such donations, funds & estates belonging to said School within this State as the said Overseer may desire, and certify the Same—

Senate concurred June 26, 1787.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 27, 1787.

Voted that the Honb<sup>l</sup> John Langdon Esq<sup>r</sup> be and he hereby is appointed a Commissioner from this State to meet in a Convention proposed to be held at Philadelphia in may last to take under consideration the revision of the Articles of Confederation of the United States &c

Senate concurred June 27, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 27, 1787.

Voted that the Honb<sup>l</sup> John Pickering Esq<sup>r</sup> be and he hereby is appointed a Commissioner from this State to meet in a Convention proposed to be held at Philadelphia in May last to take under consideration the revision of the Articles of Confederation of the United States—

Senate concurred June 27, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 27, 1787.

Voted that the Honb<sup>l</sup> Nicholas Gilman Esq<sup>r</sup> be and he hereby is appointed a Commissioner from this State to meet in a Convention proposed to be held at Philadelphia in May last to take under consideration the revision of the Articles of Confederation of the united states &c

Senate concurred June 27, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 27, 1787.

Voted that the Honb<sup>l</sup> Benjamin West Esq<sup>r</sup> be and he hereby is appointed a Commissioner from this state to meet in a Convention proposed to be held in Philadelphia in May last to take under consideration the revision of the Articles of Confederation of the United States—

Senate concurred June 27, 1787.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 28, 1787.

Voted that the President with advice of Council be requested Seasonably to issue a proclamation appointing that Thursday the twenty ninth day of November next be observed as a day of public thanksgiving throughout this State—

Senate concurred June 28, 1787.

[*Second Session, Held at Charlestown, September 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 1787.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT FOR ALTERING THE ANNUAL MEETING OF THE TOWN OF  
JAFFREY.

[Passed September 21, 1787. Original Acts, vol. 10, p. 137; recorded Acts, vol. 5, p. 372.]

Whereas application has been made by the Town of Jaffrey for an alteration of their Annual Meeting from the last Thursday to the first Tuesday in March, And the same appearing reasonable.—

Be it therefore enacted by the Senate and House of Representatives in General Court convened, that the Annual Meeting of the Town of Jaffrey in the County of Cheshire appointed by their Charter to be holden on the last Thursday of March, shall in future be held on the first Tuesday in March annually, any Law, Usage or Custom to the contrary notwithstanding

[CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO CONFIRM UNTO THE HEIRS OF ABEL SHATTUCK THEIR  
HEIRS AND ASSIGNS THE TITLE TO A CERTAIN TRACT OF LAND  
IN RABY—

[Passed September 22, 1787. Original Acts, vol. 10, p. 138; recorded Acts, vol. 5, p. 372.]

Whereas Hannah Shattuck of Raby in the County of Hillsborough and State aforesaid Widdow petitioned the General Court, setting forth that John Shattuck late of Pepperell in the County of Middlesex and Commonwealth of Massachusetts in his life time gave his Son Abel Shattuck of said Raby a Warrantee Deed of Sale of Forty five acres & one quarter of Land in Raby aforesaid bounded as follows Viz. Begining at a white oak tree, and runing south seventeen degrees east forty nine rods to a pine, then south two degrees east fifty six rods to a pine, then south forty degrees west sixty rods to a white Oak, then North fifteen degrees West fifty six rods to a pine by a Beaver Dam. then north twenty five degrees West seventy two rods to a white oak, then North twenty seven degrees west ten rods to

a large rock, then East twenty degrees north thirty one rods to a white Oak, then East twelve degrees north thirty four rods to the first bound mentioned, which land lies on a Brook Called Swallow stream and on a Stream Called Holdem Brook. And the said Deed not being put on record as the Law directs was with the House of the petitioner on the fourteenth day of July last consumed by fire, by means whereof the said Hannah and her two Children are deprived of a Legal title to said Land Wherefore she prayed that the Legislature would Confirm the Title of said Land to the Heirs of said Abel Shattuck, their Heirs and Assigns forever as tho the Deed aforesaid had not been consumed—Which petition being read and heard, and the prayer thereof appearing reasonable

Therefore Be it Enacted by the Senate and House of Representatives in General Court Convened—That the Right and title to said Lott of Land as mentioned and described in said petition be and hereby is confirmed unto the Heirs of the said Abel Shattuck in the same manner that it might have been in case said Deed had not been consumed as aforesaid and had been duly recorded; any law usage or Custom to the Contrary notwithstanding—

### [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO ENCOURAGE THE ERECTING OF MILLS FOR SLITTING, ROLLING AND PLATING IRON, AND TO ENCOURAGE AND PROMOTE THE MANUFACTURING OF NAILS WITHIN THIS STATE.

[Passed September 22, 1787. Original Acts, vol. 10, p. 139; recorded Acts, vol. 5, p. 374. Perpetual Laws, 1789 ed., p. 200; Laws, 1792 ed., p. 343. See act of February 7, 1789. Repealed June 18, 1805.]

Whereas the slitting, rolling and plating of Iron, and making Nails within this State, would prevent large sums of money being drawn out of the same to foreign Countries:

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that Mills Forges, and Engines for Slitting rolling or plating Iron, with the necessary buildings appertaining to them, and Nail Houses or Shops erected and properly calculated for the business of making nails; which shall be set up, erected and completed for the business for which they or either of them may be designed, in any part of this State, within three years from the passing of this Act;—such Mills buildings Forges and Engines, and every of them shall be exempted from all Taxes, Duties and Impositions whatever for the Term of ten years from the time of their being set up and compleated as aforesaid.—

Provided always that the benefit of this Act shall not be extended to any or either of them for longer time than the same shall in the judgment of the Select men of the Town, Parish or Place where the same is situate, be usually and properly occupied and improved in the business for which it was erected, constructed and set up.

And be it further enacted, that the Owner or Owners of any Slitting Mill, or Forge for rolling or plating Iron (set up and erected within three years as aforesaid) shall have an Abatement annually for the term of seven years in his her or their taxes, for as many poll taxes as he or they shall usually and usefully employ of proper workmen, to the satisfaction of said Selectmen, in slitting rolling or plating of Iron.

And be it further enacted, that if any person or persons shall within one year from the passing of this Act, erect and finish any Mill for slitting, rolling and plating Iron, which shall be in the Judgment of two of the Justices of the Superiour Court, properly constructed for the business for which it was erected, and shall be so certified by said Justices, and that it is the first of the kind, in their judgment compleated in this State; the person or persons so constructing such Mill, within one year being the first of that kind erected set up and finished in this State, and producing such certificate thereof to the President and Council, the President with advice of Council is hereby empowered to give an Order upon the Treasurer of this State, for one Hundred Pounds to be paid to such person or persons so first constructing and finishing such Mill within the time aforesaid. And the same together with the Priviledges on which it may be constructed, shall be exempted from all and every kind of duty, tax or imposition, so long as the same shall be occupied and improved in the business aforesaid.

And to promote the business of nail making; Be it further enacted, that the Justices of the Courts of General Sessions of the Peace in the several Counties in this State are hereby directed as soon as may be, after the passing of this Act, to enlarge the limits of the Prison-Yards in their respective Counties, if necessary, not exceeding one hundred yards, and at the expence of their respective Counties to cause proper Nail Houses to be erected therein, with at least Two Forges in each Nail House, and furnish the Tools and Implements necessary for the making of Nails; and to provide from time to time, as they may find necessary, at the expence of their respective Counties, coals and nail rods to employ Prisoners in making nails.—

And be it further enacted that the Justices of the Superiour Court of Judicature and Justices of the Court of General Sessions of the Peace, and Justices of the Peace respectively, may in all cases where any Person shall be convicted before them of

any Crime, where by Law such person so convicted would be liable to make restitution to the Party aggrieved, pay a fine or damages with costs of prosecution and stand committed 'till Sentence be performed, the said Justices of the Superiour Court, Justices of the General Sessions of the Peace, or any Justice before whom the trial may be, may at their discretion either order the person so convicted to stand committed 'till sentence be performed, or to work at the business of Nail making 'till sentence be performed.—Saving always to the Party convicted the right of appeal as the Law directs.

And be it further enacted, that when any Person shall be sentenced to work at the business of nail making, in the Prison yard as aforesaid, he shall be kept at Labour until he shall have paid the fine, damages or costs, for which he is sentenced, and the Prison fees and expences at the rate of three shillings Per day, always allowing the making of one Thousand of ten penny nails as one day's work and so pro rata.—

And be it further enacted, that the under-prison-keeper shall have the same Authority over persons sentenced to work as aforesaid, as Masters of Houses of correction have by Law over persons committed to their care, may use every proper method for preventing Desertion by day and shall confine them in prison by night. And in case of the escape of any such person, if he shall be again apprehended, the next Court of Quarter Sessions in that County is hereby impowered and directed to sentence him to serve double the time he had to serve at the time of his desertion, and so toties quoties.

And be it further enacted, that every under prison keeper shall at the time of his first receiving nail rods from the County as aforesaid, be sworn to render a true and faithful Account to the Quarter Sessions at every Session of the quantity of Coals and the number and weight of rods, which he then has, or may afterward receive from the County; And the quantity of Nails made therefrom and the number made by each person and shall at every Session render his account thereof on Oath and file a copy with the Clerk of said Court, and shall deliver over the Nails made as aforesaid agreeably to the Orders which he may from time to time receive from the said Court of Quarter Sessions.—

And be it further enacted, that from and after the first day of July next every Person appointed under prison keeper in any County in this State, shall before he enters upon the duties of his said Office, be sworn to render a true and faithful account of all coals and rods, which he may receive, and nails made under his direction as aforesaid, during his continuance in Office, and said Prison keeper shall be allowed ten per Cent out of all the nails made under his direction by Prisoners sentenced to nail making as aforesaid. And shall have liberty to discharge any

Prisoner when he shall have made nails Sufficient to satisfy the demands against him at the rate of three shillings per Thousand for tenpenny nails as aforesaid, though the time for which he Stood committed may not be expired, and shall hold and keep to Labour every such Prisoner until he shall have made nails sufficient to satisfy the sums which he may be sentenced to pay unless otherways discharged.

And be it further enacted, that the respective Courts of Quarter Sessions shall at every Session fix the price of making every other kind of Nails as near as may be to the above proportion of Three shillings for one Thousand of ten penny nails, and shall fix and ascertain the price of Nails for the ensuing Quarter. And the Prison keeper may at that rate deliver out nails to any person or persons to whom the said Prisoners or either of them is sentenced to make restitution, by order of the Court of Quarter Sessions in satisfaction of their demand, always taking the Receipt of such person or persons upon the order aforesaid.—

And be it further enacted, that when there shall not be Prisoners of the foregoing description in any Prison in either of the Counties aforesaid, sufficient to employ the Forges in the nail House appertaining thereto, the respective under prison keepers may with the assent of any two of the Justices Quorum unus, employ in the business of nail making for such time as they may approve, prisoners confined for debt, who shall have given bond for the Liberty of the yard, and shall be desirous of being so employed, allowing them one fourth part of all the nails which they may fabricate, of which said Prison keeper is to render an account on oath to the Quarter Sessions as aforesaid and shall be entitled to five per Cent of the residue of said Nails for his trouble and the remainder shall be kept by him for the use of the County and delivered out by order of the Court of Sessions.

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT FOR CONFIRMING THE DOINGS OF THE JUDGE OF THE PROBATE OF WILLS &C FOR THE COUNTY OF MIDDLESEX & COMMONWEALTH OF MASSACHUSETTS RESPECTING A PART OF THE ESTATE OF TEMPERANCE GORDON.

[Passed September 27, 1787. Original Acts, vol. 10, p. 140; recorded Acts, vol. 5, p. 378.]

Whereas a Petition hath been preferred to the General Court by Samuel Dexter of Chelmsford in the County of Middlesex & Commonwealth of Massachusetts Esq<sup>r</sup> & Katharine his wife & Robert Fletcher of Amherst in the County of Hillsborough



Gentleman & Temperance his Wife setting forth, that the said Katharine & Temperance are Children & Heirs of Temperance Gordon late of Dunstable in said County of Middlesex Widow deceased; that Oliver Prescott Esq<sup>r</sup> Judge of the probate of Wills &c for said County of Middlesex on the thirteenth day of October in the Year of our Lord 1784 by his Decree of that date divided the Real Estate of the said Temperance Gordon among her Heirs, & assigned to the said Katharine & Temperance certain Tracts of Land in this State; and praying that the same Decrees so far as it relates to the Lands aforesaid may be confirmed, Which petition appearing reasonable,

Be it therefore enacted by the Senate & House of Representatives in General Court convened that the Decree aforesaid of the Judge aforesaid so far as it relates to Lands lying within this State be & hereby is ratified & confirmed, & Title to the same Lands vested in each & every the Heirs aforesaid of the said Temperance Gordon in Severalty in the same manner as the said Tracts of Land are divided and set off to the several Heirs aforesaid of the said Temperance Gordon in the said Judge's decree aforesaid, saving to all the Creditors of the Estate of the said Temperance Gordon their Rights to obtain satisfaction therefrom in the same Way & Manner as if this Act had never been made.

## [CHAPTER 5.]

*State of  
New Hampshire.* }

### AN ACT IN ADDITION TO AND IN EXPLANATION OF AN ACT INTITULED AN ACT RELATING TO CONSTABLES COLLECTING RATES AND ASSESSMENTS

[Passed September 27, 1787. Original Acts, vol. 10, p. 141; recorded Acts, vol. 5, p. 379. Laws, 1780 ed., p. 455; Perpetual Laws, 1789 ed., p. 220. The act referred to is dated May 2, 1719. Repealed June 20, 1792.]

Whereas in and by the before named Act it is directed that when the Sheriff or his Deputy shall by legal Warrant distrein and levy on the Lands or tenements of any Constable for his default in not collecting or not paying Monies agreeably to his Warrant that in such case the Sheriff or his Deputy should cause a due appraisement to be made of such estate and that afterwards the same should be sold to discharge such Warrant which direction having been found inconvenient Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that when any sheriff or his Deputy shall by legal Warrant distrein or levy the same on any real Estate of any delinquent Constable or Collector that he shall proceed and sell so much of said Estate at Public Vendue as

shall be sufficient to satisfy his Said precept or Warrant with all legal Costs giving thirty days notice of time and place of sale by advertising the same at some public place in the Town or parish where the said estate lies and in two other Towns adjoining without having any appraisement made of such estate the aforesaid Act notwithstanding and

Be it further enacted that in the said advertisements for the sale of such estate the said Sheriff shall particularly specify in what the taxes for which said estate is to be sold may be paid and shall sell said estate for the particular kinds of paper securities or Specie which are required to answer the taxes aforesaid and

Be it further enacted that the Sheriff or his Deputy shall receive the poundage in future for levying and collecting all extents in the same kind of paper securities or Specie as said Extent or Extents Issued for, any Law usage or custom to the Contrary notwithstanding—

## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE NEW BRADFORD IN THE COUNTY OF HILLSBOROUGH, AND WASHINGTON GORE, SO CALL'D, AND PART OF WASHINGTON IN THE COUNTY OF CHESHIRE & ANNEX THE SAME TO THE COUNTY OF HILLSBOROUGH—

[Passed September 27, 1787. Original Acts, vol. 10, p. 142; recorded Acts, vol. 5, p. 381.]

Whereas the Inhabitants of New Bradford in the County of Hillsborough, and Washington Gore, so called, and part of Washington in the County of Cheshire, have Petitioned the General Court that they might be incorporated & invested with Town priviledges, and belong to the County of Hillsborough; of which Petition and the order of Court thereon, due notice hath been given, and no Objection been made, and the prayer of said Petition appearing reasonable;

Be it therefore enacted by the Senate & House of Representatives in General Court convened—That there be, and hereby is a Township erected and Incorporated by the name of Bradford, bounded as follows (viz) Begining at a Beach tree on Hillsborough line thence runing North eighty two degrees East on the said Line six miles and eighty four rods to an Hemlock Tree—thence runing the same point to the north west corner of Warner thence north seventeen degrees west by said Warner four miles & two Hundred and thirty-one rods to the south line of Sutton—thence westwardly by the said line of Sutton to the east line of

Fishersfield sixty rods from the Southwest corner of said Sutton to a white oak tree marked, being the North east corner of said Washington Gore—thence north seventy eight degrees west three miles and three Hundred and ten rods to a small Beach tree marked, standing on the line of Fishersfield—thence south two degrees west two miles & one Hundred & fifty rods to a black ash tree marked—thence South twenty seven degrees east two miles & one Hundred rods to the bound first mentioned; and the Inhabitants thereof are hereby erected into a body Politick & corporate, to have continuance & succession forever, and are hereby invested with all the powers and enfranchised with all the rights privileges and immunities which any Town in this State holds or enjoys to hold to the said Inhabitants and their Successors forever—And Deacon William Presbury is hereby authorised to call a Meeting of said Inhabitants to choose all necessary and customary Town officers; giving fourteen days notice of the time place & design of said Meeting, and such Officers shall hereby be invested with all the powers of the officers in any other Town in this State & every other Meeting shall be annually holden in said Town for that purpose on the second Tuesday of March annually forever—

And be it further enacted—that the said Township so erected shall forever hereafter be to all intents and purposes esteemed as part and parcel of the said County of Hillsborough; provided this act shall not extend to the affecting any Taxes already assessed, until a new Proportion act is made; but the same Taxes already assessed shall be Collected, untill said Proportion act shall be made, except the Town Taxes which may be made after the passing this act—in like manner as the same would have been, had this Act not been passed—any Law Usage or custom to the Contrary notwithstanding—

#### [CHAPTER 7.]

*State of  
New Hampshire.* }

#### AN ACT TO INCORPORATE A TOWN BY THE NAME OF SULLIVAN

[Passed September 27, 1787. Original Acts, vol. 10, p. 143; recorded Acts, vol. 5, p. 383.]

Whereas a Petition hath been preferred to the General Court by part of the Inhabitants of the Towns of Keene Packersfield Stoddard and Gilsom in the County of Cheshire Praying to be Incorporated into a Town by the name of Sullivan, of which due notice has been given and no reasonable objection appearing against it Therefore

Be it enacted by the Senate and House of Representatives in General Court convened and by the authority of the same that

there be and hereby is erected and incorporated into a Township within the following bounds Viz. Begining at a Beach Tree being the south West corner of Packers Quarter (so called) standing on the dividing line between Keene and Packersfield and runing east ten degrees south two miles thence North ten degrees east two miles and an half to Packersfield north line thence crossing said Line and runing the same course two miles into Stoddard thence west ten degrees north one mile two Hundred and forty rods thence west two miles two Hundred and sixteen rods thence south four miles thence east seven degrees north one mile and fifty six rods, thence north sixteen degrees east one Hundred and ninety two rods to the first mentioned bounds saving to the Town of Gilsom an equal Proportion of the Public Lands within the aforesaid Incorporation, first deducting what remains of said Lands in said Town of Gilsom.

And the Inhabitants of said Tract of Land we erected into a body Politic and corporate to have continuance and succession forever and are hereby invested with all the powers and in-franchised with all the rights priviledges benefits and Immunities which any Towns in this State by Law hold or enjoy to Hold to said Inhabitants and their Successors forever, and Lemuel Holmes Esquire is hereby authorized and impowered to call a Meeting of said Inhabitants for the purposes of chusing all nescesary and customary Town officers giving fourteen days notice at least of the time and place and design of said Meeting and the officers then chosen shall be invested with all the powers and authority that the officers of any other Town in this State are by Law invested with and every other Meeting of the said Inhabitants which shall be annually held in said Town for that purpose shall be on the second Tuesday of March annually

Provided always that the Inhabitants of said Sullivan pay up arrears of all County & Town Taxes already made and assessed in the Towns from which they were respectively taken and their State Taxes untill a new proportion shall be made throughout the State anything in the aforesaid act to the contrary notwithstanding.

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND FOR THE AMENDMENT OF AN ACT  
ENTITLED AN ACT TO REGULATE FLAXSEED, POT ASH AND  
PEARL ASH FOR EXPORTATION

[Passed September 27, 1787. Original Acts, vol. 10, p. 144; recorded Acts, vol. 5, p. 384. Laws, 1780 ed., p. 456; Perpetual Laws, 1789 ed., p. 200; Laws, 1792 ed., p. 330. The act referred to is dated June 23, 1785. Repealed June 18, 1805.]

Whereas in and by said Act, it is Enacted that the Casks Which Contain flaxseed for Exportation Shall Contain Seven bushells and one peck or three bushells and half and half peck, Which dimentions of Casks not being beneficial to the trade of this State

Therefore Be it Enacted by the Senate and House of Representatives in General Court Convened that the Casks Contain- ing Seven bushells, or three bushells and half of good flaxseed may be Exported out of this State anything in the before men- tioned act notwithstanding and the Surveyors or Assay Masters of flaxseed that are or may be Appointed may proceed in the Same Manner as they are directed in the before mentioned act

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO APPOINT NEW MANAGERS FOR DARTMOUTH COLLEGE  
LOTTERY, AND RENDER THE SAME MORE EFFECTUAL.

[Passed September 28, 1787. Original Acts, vol. 10, p. 145; recorded Acts, vol. 5, p. 385. See acts of November 3, 1784 and January 12, 1787.]

Whereas the General Court in the year of our Lord one thou- sand seven hundred and eighty four, did pass an act granting liberty to set up and carry on a lottery to raise a sum not exceed- ing three thousand pounds lawful money in silver and gold for the purpose of erecting an Edifice in the township of Hanover for the use and benefit of Dartmouth College. And the Mana- gers appointed in and by said act having represented to this Court at their last Session, that from the great scarcity of cash they have not been able to sell any considerable number of the tickets. And the Trustees of said College having by their peti- tion to this Court, set forth that they have erected a new Edifice for said purpose, and are in need of aids to finish it, and that a lottery for procuring country produce to be applied to that pur-

pose may be carried into effect, provided suitable persons living near said College may be appointed Managers with powers to concert a new scheme for that purpose.

Be it therefore enacted by the Senate and House of Representatives in General Court convened, That the persons herein after named be and hereby are authorized and permitted to set up and carry on a public lottery to raise money or country produce for the aforesaid end, in so many classes or drafts as they shall judge proper, not exceeding the amount of eighteen hundred pounds lawful money worth including expences, provided the said lottery be drawn & finished within the term of two years from the passing of this act. And Bezaleel Woodward & Elisha Payne Esq & Col<sup>e</sup> Ebenezer Brewster all of the County of Grafton or the major part of them are appointed Managers of said lottery, who shall be under oath to be administered by any Justice of the peace for the faithful discharge of said trust, and shall duly pay all prize tickets according to their tenor and scheme; and shall refund any sum or sums of money or amount of country produce that shall be paid for tickets in any class of said lottery in case such class shall not be drawn and finished within the term aforesaid. And the said Managers shall pay the money or country produce which they shall so raise to the Trustees of Dartmouth College. And the said Managers shall render to said Trustees an account of their proceedings, and of all their charges and demands concerning the premises, and shall be paid their reasonable demand for their time and expences about said business, by said Trustees, out of the avails of said Lottery. And the said Trustees shall appropriate and lay out the avails arising by said lottery agreeably to the design of this act, and render a fair and plain account of the expenditures of what shall be received by them to the General Court when thereto required, and shall be accountable to said Court for all their proceedings in the premises.

Provided always that nothing in this act shall operate to discharge the Managers heretofore appointed or their Agents from refunding any sum or sums of money in silver or gold which shall have been paid for tickets sold agreeably to their scheme founded on the former act; or to discharge the said trustees from paying to the said former Managers their reasonable demand for their time and charges about said business; which the said trustees are authorized to do out of the avails of the Lottery granted by this act.

## [CHAPTER 10.]

*State of  
New Hampshire.* }

## AN ACT TO RAISE A REVENUE TO THIS STATE BY EXCISE.

[Passed September 28, 1787. Original Acts, vol. 10, p. 146; recorded Acts, vol. 5, p. 387. Laws, 1780 ed., p. 456; Perpetual Laws, 1789 ed., p. 149. Partially repealed by act of January 28, 1791. Repealed June 20, 1792.]

Whereas the raising of a larger Revenue to this State by Excise than hath heretofore been practiced & in a more general way appears very necessary Therefore. Be it enacted by the Senate & House of Representatives in General-Court conven'd that on & after the first Day of October next that instead of the Excise to be paid by the Laws now in Force, there shall be paid on the following Articles the Excise Duty to them in this Act respectively Annexed (viz) On every Gallon of Medeira Wine one shilling & three pence. on every Gallon of other Wines nine pence. on every Gallon of forreign Malt Liquor four pence. on every Gallon of foreign Rum & other foreign distill'd Spirits eight pence. On every Gallon of New England Rum & other American distilled Spirits four pence. on every imported Clock thirty shillings. On Every Coach or Chariot Six pounds a Year On every Phaeton or four wheel'd Chaise three pounds a year. on every fall-back Chaise eight shillings a Year. on every other Chaise six shillings a year. on every Sulkey or riding-Chair four Shillings a year—

And be it further enacted that from And after the first Day of October next, no person or persons shall sell by Retail any of the foregoing Articles subject to Excise (Clocks & Carriages excepted) without first having obtain'd a Licence therefor as is hereafter mentioned, & if any person or persons shall after the said first Day of October next, Sell any of the Articles aforesaid (excepting as aforesaid) by Retail without first obtaining such Licence He, She, or they shall forfeit & pay the sum of forty shillings for each Offence to be recovered by the Farmer or Collector by Action or Bill in any Court proper to try the same, three fourths whereof shall be for the use of this state, & the Remainder for the person prosecuting for the same.

And be it further enacted that any & every person or persons who shall purchase or receive, in large Quantities or by whole-sale, any Rum, Wine, or distill'd spirits of any kind for his, her, or their own particular use & Consumpsion, of those who do not Retail or pay Excise for the same, such person or persons so purchasing shall be liable to pay & shall pay the Excise aforesaid to the Farmer or Collector of the same. And all persons so purchasing shall if required by the Collector render an Account

on Oath of all such Liquors so by them purchased or receiv'd, & consumed as aforesaid.

And be it further enacted that what shall be considered as wholesale in the aforesaid Articles shall be as follows (viz) Wine & all spirituous Liquors twenty five Gallons & upwards—All Malt Liquors twenty five Gallons & upwards—and every Retailer or licenced person as afores<sup>d</sup> shall quarterly if required by the Collector render an Account on Oath of all the said enumerated Articles by him or her purchased, & not sold by wholesale. And in case of any of the persons aforesaid refusing to render such account, being required as aforesaid, Such person shall forfeit & pay the Sum of ten pounds to be recovered as aforesaid, for the Uses aforesaid; & all other persons purchasing or receiving as aforesaid by wholesale, Rum, Wine or distilled Spirits of any kind, & consuming the same as afores<sup>d</sup> shall be under the same Obligation to render an account quarterly if required & in Case of Neglect shall forfeit & pay the Sum of forty shillings to be recovered as aforesaid—

And be it further enacted that the Excise arising by Virtue of this Act shall be farmed out and sold at public Auction, in the several Counties in this State, Some time between the first Day of October & the first Day of Febuary annually by Committees appointed by the General-Court for that purpose—

And be it further enacted by the authority aforesaid, that if any Farmer, Collector or purchaser of Excise granted by this act shall not account with the Treasurer of this State agreeably to his Bond given for the same the said Treasurer is hereby directed authorised & empowered to issue his Extent against such delinquent Farmers or Collectors—

And be it further enacted that licences for retailing Spirituous Liquors or keeping a Tavern shall be granted and obtained in the same manner the same is done by the Laws now in force for which each Taverner & Retailer shall pay to the Clerk of said Court three shillings, & the Clerk of said Court shall account with the Treasurer of the County quarterly for three fourths of all Fees he shall receive for said Licences—

And be it further enacted, that all Taverners Shall pay one fourth part Excise more per Gallon on all spirituous Liquors herein enumerated which shall be consum'd in their respective Taverns than is by this Act to be paid by Retailers—

And be it further enacted. That all persons owning or improving any Clocks (hereafter import) Coaches, Chariots, Phaetons or four-wheeled Chaise, fall-back-Chaise other kind of Chaise, Sulkies or riding-Chairs that shall at the End of the year commencing on the first Day of October next, & so annually, neglect to pay the Duty or Excise herein respectively Set down, the Farmer or Collector is hereby empowered & authorised to sue for & recover the said duty in any Court proper



to try the same. Provided nevertheless that no Builder or manufacturer of any Carriage or Carriages that have been heretofore enumerated in this act, having the same on hand for sale; or any public carriage employ'd in the service of the United States; for carrying any public mail shall be liable to pay any Excise therefor, or shall any person or persons owning any imported clock or Clocks be liable to pay excise more than once for any, or either of them anything in this act contained to the contrary notwithstanding—

[CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT FOR LAYING A TAX OF ONE PENNY ON EACH ACRE OF LAND IN THE TOWN OF STODDARD FOR THE TERM OF THREE YEARS—

[Passed September 28, 1787. Original Acts, vol. 10, p. 147; recorded Acts, vol. 5, p. 391. See act of June 19, 1794.]

Whereas a Petition hath been Preferred to this Court praying that a Tax of one penny be laid on each Acre of Land in said Town of Stoddard Annually for the Term of three Years to be appropriated towards building a Meeting House and repairing the Publick Roads leading from Hancock to Marlow likewise from John Taggarts to Washington line also from Israel Towns Esq<sup>r</sup> to Packerfield line the leading Road to Keene; the first third part of said Tax to be Assessed in the Year 1788. The prayer of which Petition appearing reasonable—

Therefore Be it Enacted by the Senate and House of Representatives in General Court Convened and by the authority of the same that there be and hereby is an Annual Tax of One penny per Acre laid on all the Lands lying in the Town of Stoddard aforesaid for the Term of three Years the first Tax to be third part of s<sup>d</sup> Assessed in the Year 1788. the second in the Year 1789 and the other third part in the Year 1790 and the Select men of the said Stoddard for the time being be and hereby are fully authorized and Impowered to Assess and Collect said Tax in the same manner as the Lands of non Resident Proprietors in said State are Assessed and Collected, by Law—

And be it further Enacted that the Selectmen of said Stoddard for the time being are hereby Impowered to dispose of the money that shall be raised by Virtue of this Act the One half towards building a Meeting House in said Stoddard the other half for repairing the Highways aforesaid.

## [CHAPTER 12.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE BENJAMIN PARSONS TO HIS LAW IN A CERTAIN ACTION

[Passed September 28, 1787. Original Acts, vol. 10, p. 148; recorded Acts, vol. 5, p. 392.]

Whereas Benjamin Parsons of Swanzey in the County of Cheshire and State of New-Hampshire Yeoman, hath petitioned the General Court setting forth that there was a suit commenced against him in the Name of Samuel Hunt Esquire Sheriff of said County of Cheshire to be heard and tried before the Justices of the Inferior Court of Common Pleas held at Charlestown on the second Tuesday of September last, That he the said Parsons intending to contest said Action employed Counsel for that purpose but by some means he the said Parsons was defaulted contrary to his expectation and greatly to his damage, and that the said Parsons prayed that he might be restored to his Law—

Therefore be it enacted by the Senate and House of Representatives in General Court convened that the Justices of the Inferior Court of Common Pleas to be holden at Charlestown on the third Tuesday of December next within and for the County of Cheshire be and they are hereby authorized and directed at said Court to take of said default and admit Said Parsons to come in and dispute the merits of the aforesaid Action, in as full and ample manner as if the said Action were to be entered at said Court and that the said Judgment against the said Parsons and the execution issued thereon be annulled and made void

## [CHAPTER 13.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE JONATHAN CHASE TO HIS LAW—

[Passed September 28, 1787. Original Acts, vol. 10, p. 149; recorded Acts, vol. 5, p. 393.]

Whereas Jonathan Chase of Cornish in the County of Cheshire & State of New Hampshire Esquire hath Petitioned the General Court setting forth, that at the Superior Court of Judicature for the County of Rockingham on the fourth Tuesday of April in the Year of our Lord One Thousand seven Hundred & Eighty six—a Rule was entered into between Clement

March & Stephen March both of Greenland & the County of Rockingham Gentlemen on the one part & the said Jonathan Chase on the other part, in an action there pending betwixt them, submitting all disputes & Demands to the determination of Referees as mentioned in said Petition, & that said Referees undertook the same, and Reported thereon that the said marches Should recover a Large sum of money against the said Chase & that Judgment accordingly was rendered and that long before the makeing said Rule a Warrentee Deed Was executed by the said Marches to the said Chase of certain Lands in Cornish aforesaid Which at the time of entering into said Rule was Mis-laid & Afterwards found—and that said Chase was Allowed nothing by said Referees for his damages Sustained by reason of the breach of Covenant in said Deed of Warrenty and that he was Greatly injured by said Judgment—and prayed that the same might be reversed & he be restored to his Law and the prayer of said Petition appearing reasonable

Therefore—Be it Enacted by the senate and house of Representatives in General Court Convened that said Judgment be reversed & entirely Null & Void and that the said Chase be restored to his Law and have Liberty to enter the said action at the Inferiour Court of judicature next to be holden at Portsmouth within and for the County of Rockingham on the fourth Tuesday of April next—and the Justices thereof be and they hereby are authorised to take cognisance of the same & proceed to try the merits in as ample a manner as if there never had been any Judgment therein—any Law Usage or Custom to the contrary Notwithstanding—

#### [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH A FUND FOR THE REDEMPTION OF ORDERS  
DRAWN BY THE PRESIDENT OF SAID STATE & FOR APPROPRIATING THE REVENUE RAISED BY IMPOST AND EXCISE—

[Passed September 28, 1787. Original Acts, vol. 10, p. 150; recorded Acts, vol. 5, p. 394. Laws, 1780 ed., p. 450; Perpetual Laws, 1789 ed., p. 156.]

Whereas the providing a proper fund for discharging orders drawn on the Treasury and appropriating the revenue of this State for paying the demands against Government will not only tend to raise the publick Credit but in great measure supply the want of a circulating Medium within the same.

Therefore be it Enacted by the Senate and House of Representatives in General Court, convened That there be and

hereby is granted for the purposes aforesaid a Tax of Ten thousand pounds (in Addition to the Sums already granted) for the payment of cash orders drawn on the Treasurer of this State, to be Levied upon the polls & Estates within the same and collected and paid into the Treasury in the following manner, Viz Five Thousand pounds by the first day of January Seventeen hundred and eighty nine, and five Thousand pounds more by the first day of January one Thousand Seven hundred and ninety—

And be it further Enacted that for all Sums of Money hereafter granted by the General Court to any person or persons payable at the Treasury, The Orders therefor shall (if the person or persons entitled thereto request it) be made out in Small Orders from five Shillings and upward not more than one half of any Sum to be in Orders of less than twenty Shillings.

And be it further Enacted, That all persons now possessed of Orders on the Treasury for Sums of ten pounds and upwards may lodge them with the Treasurer of the State and take his Certificate thereof and upon his lodging the same with the Secretary shall be entitled to receive the Sum in small Orders made out in the manner above directed and signed by the President. And be it further Enacted that Certificates for Interest and any part of the principal on State Securities shall (if requested) be issued in future in small Sums of the amount herein before directed for Orders drawn upon the Treasury—

And be it further Enacted that the Revenue annually arising from the Excise and Impost be and hereby is appropriated for the payment of Delegates to Congress the Salary of the Judges of the Superior Court, the President, Council & Senate; the travel of the Representatives pay of the Treasurer Secretary Attorney General and other Officers of Government, and the residue of said funds shall be applied to the discharge of Cash Orders drawn or that may be drawn on the Treasury and in case any deficiency shall happen such deficiency shall be made up out of the Specie Taxes now due or that may hereafter become due to Government And be it further Enacted that the Revenue annually recieved by the Naval Officer be & hereby is appropriated to the support of the Garrison & maintenance of the Light at the Castle William & Mary and the deficiency shou'd any happen shall be made up out of Specie Taxes due to the State and the Surplus of said Revenue if any there be shall be, and hereby is appropriated to the payment of orders drawn or that may be drawn on the Treasury—

And be it further Enacted that all other demands against the State for Specie shall be paid out of the Specie Taxes now due or that may hereafter become due to said State—

And be it further Enacted that all orders that may hereafter be drawn upon the Treasury shall express the particular fund

out of which the same is to be paid which fund shall be holden for that purpose—

And in Order that the Revenue of the State may with ease and certainty be ascertained—Be it further Enacted, that immediately after the passing this act, The Treasurer shall furnish the Secretary with an account of the Sums now due for Excise, Impost Duties, and to the Naval Officer, with an estimate of the sums annually arising from each. The estimated profits of each branch for one year together with the arrearages due to the same shall be charged in account thereto and Credit given for all orders drawn upon the same. The Treasurer shall also furnish the Secretary with an account of the Specie Taxes due to the State which shall also be charged in account to the same each year by itself and credited with the orders drawn upon the same—and in case it should at any Time so happen that the Revenue arising to the state should prove insufficient to answer the Sums granted by the General Court and payable in Orders upon the Treasury, the President with advise of Council may draw such orders and make them payable out of some future Tax—a separate account of all such orders drawn by way of anticipation as also of all Revenue account as before directed shall be kept by the Secretary and laid before the general Court at the opening of every Session that the Court may be able to ascertain with certainty the debts and the resources of the State and make provision accordingly

Provided nevertheless that nothing in this Act shall be construed to prevent the Senators or Representatives from receiving their pay for travel already due out of the Specie Taxes already assessed if they shall chuse the same—

#### VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, September 19, 1787.

The Committee on the propriety of procuring Standards for the Several Regiments in this State &c. Reported that there be a Standard procured for each Regiment at the Expence of the State and that the President and Council See that the same are provided and that his Excellency give order upon the Treasurer for payment accordingly—

Senate concurred September 19, 1787.

*State of* }  
*New Hampshire.* }

In the House of Representatives, September 27, 1787.

Resolved that the Interest upon the Twenty pound bounty that was allowed to the Several Towns in this State for procuring Soldiers

for the late American Army be discontinued and that the Treasurer take order accordingly, and that no further interest be allowed to any Town after passing this Resolve—

Senate concurred September 27, 1787.

(*Third Session, Held at Portsmouth, December 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 1787.*)

## [CHAPTER 1.]

*State of  
New Hampshire.* }

### AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MARCH MEETING OF THE TOWN OF EXETER IN THE COUNTY OF ROCKINGHAM

[Passed December 13, 1787. Original Acts, vol. 10, p. 151; recorded Acts, vol. 5, p. 397.]

Whereas it is very inconvenient to the Inhabitants of the said Town of Exeter to hold their annual March Meeting on the last Monday of said Month as by Law established

Be it therefore Enacted by the Senate and House of Representatives in General Court convened: That the annual Town Meeting of said Exeter by law to be holden on the last Monday of March shall for the next and every ensuing year be held on the first Monday of said Month. And the Inhabitants of said Town are hereby authorised to transact any matter or business on the said first Monday in the same manner as they were empowered by law to do or transact on the said last Monday. Any law usage or custom to the contrary notwithstanding.

## [CHAPTER 2.]

*State of  
New Hampshire.* }

### AN ACT IMPOWERING THE SELECTMEN OF UNITY TO ASSESS THE LANDS WITHIN SAID TOWN FOR THE PURPOSE OF REPAIRING HIGHWAYS—

[Passed December 14, 1787. Original Acts, vol. 10, p. 152; recorded Acts, vol. 5, p. 398.]

Whereas the Selectmen of the Town of Unity have petitioned the General Court setting forth "that they labour under great inconveniencies on Account of the vast expences they are at in repairing the highways within said Town, and prayed that they might be enabled to tax all the lands in said Town at the rate of one penny pr Acre for the term of four years to be ex-

pendent in repairing their said highways'' And public notice having been given that said Petition was preferred, and no person appearing to Object thereto and the prayer thereof appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the Selectmen of the Town of Unity be impowered and they are hereby impowered to assess all the lands in said Unity public rights excepted at the rate of one penny for each Acre for the Term of four years, and the Collector or Collectors of said Unity Annually for the aforesaid term of four years be impowered to levy and collect the Same and to pay it to the Select men of said Unity for the time then being or their Successors for the purposes aforesaid and for no other use whatsoever. And the said Tax shall be made annually in one entire list and not blended with any other Tax and shall express the name of the owners of the land, if known with the number of the lot and number of Acres—And where the owner is not known, the number of the lot and of Acres shall be described with the name of the Original proprietor—And the Same shall be collected in the like manner as by law is prescribed for collecting public taxes on lands of non residents—provided said nonresidents shall not within Six months after notice given of said Tax being made, work or cause to be worked out, each one his Tax on said highways—And the said Selectmen of Unity shall annually lay out all monies collected and paid to them by virtue of this Act in repairing the public highways within said Town and keep a regular account thereof and shall render an Account of the application thereof to the Court of General Sessions of the Peace for the County of Cheshire provided always that said Selectmen shall not charge or allow more than three shillings p<sup>r</sup> day for Labour on said highways—

### [CHAPTER 3.]

*State of  
New Hampshire.* }

#### AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MARCH MEETING OF THE TOWN OF SALEM IN THE COUNTY OF ROCKINGHAM

[Passed December 15, 1787. Original Acts, vol. 10, p. 153; recorded Acts, vol. 5, p. 399.]

Whereas it is very inconvenient to the Inhabitants of the said town of Salem to hold their annual Meeting on the last Wednesday of March as by law established

Be it therefore Enacted by the Senate and House of Representatives in General Court convened That the annual town

Meeting of said Salem by Law to be holden on the last Wednesday of March shall for the next and every ensuing year be held on the first Wednesday of said Month

And the inhabitants of said town are hereby authorized to transact any matter or business on the said first Wednesday of March in the same manner as they were impowered by law to do or transact on the said last Wednesday of March Any law usage or custom to the contrary notwithstanding.

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, December 11, 1787.

Voted that the proceedings of the federal Convention transmitted to the General Court by Congress be Submitted to a Convention to be chosen by the people for their consideration and decision—

Senate concurred December 11, 1787.

*State of* }  
*New Hampshire.* }

In the House of Representatives, December 11, 1787.

Voted that M<sup>r</sup> N Peabody, M<sup>r</sup> Pickering, M<sup>r</sup> Wingate M<sup>r</sup> Badger, M<sup>r</sup> Gove, M<sup>r</sup> Emerson, M<sup>r</sup> Copland, M<sup>r</sup> Whitcomb, M<sup>r</sup> Simpson & M<sup>r</sup> Baker with such of the Hon<sup>b</sup> Senate as they shall join be a Committee to consider what number the proposed convention shall consist of, the mode of Election, and time & place of meeting and report thereon.

Senate concurred December 11, 1787 and joined Mr. Thompson, Mr. Smith, Mr. Bellows, Mr. Wentworth and Mr. Bayley.

*State of* }  
*New Hampshire.* }

In the House of Representatives, December 12, 1787.

The Committee appointed to consider what number the proposed convention shall consist of, the mode of Election and time and place of meeting, Reported, that the proposed convention consist of the Same number of Delegates as the Several Towns and places are now intituled to send as Representatives to the General Court and to be chosen in the same manner, with this addition that those Towns which by the present mode of Representation are not classed with any other Town nor entitled to send by themselves may send one Delegate from each Town—That the qualification of Delegates shall be the Same as those required by the Constitution for Representatives excepting that what is called the exclusion Bills shall have no effect in the choice of Delegates—That the Convention meet at Exeter on the Second Wednesday of February next—



Which report being read and considered voted that it be received and accepted—

Senate concurred December 12, 1787.

*State of  
New Hampshire.* }

In the House of Representatives, December 11, 1787.

Voted that four hundred copies of the Constitution proposed by the federal convention for the government of the United States be forthwith printed and Sent to the Several Towns in this State as soon as may be—

Senate concurred December 14, 1787 with this amendment, that the Resolve of the General Court for calling a convention be printed with the proposed Constitution and sent out therewith.

(*Fourth Session, Held at Portsmouth, January 23, 24, 25, 26, 28, 29, 30, 31; February 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 1788.*)

## [CHAPTER 1.]

*State of  
New Hampshire.* }

### AN ACT TO LAY OUT AND CLEAR A HIGHWAY FROM BARNSTEAD TO NORTHWOOD IN THIS STATE

[Passed February 2, 1788. Not found in Original Acts; recorded Acts, vol. 5, p. 400. Laws, 1780 ed., p. 461. See additional act of December 30, 1788.]

Whereas a petition from sundry inhabitants of this State hath been presented to the General Court setting forth that the road commonly called the Province road laid out from Durham to Cohoss is in some part thereof very much incumber'd with hills rocks &c. and thereby rendered almost impassable for loaded waggons, that a road from Barnstead through a corner of Pittsfield to the main road in Northwood might be made which would remedy the aforesaid Inconvenience, and prayed that Jon<sup>a</sup> Clark Esq<sup>r</sup> of Northwood Col Richard Sinkler of Barnstead and Capt. Reuben Hill of Lee or any two of them might be appointed a Committee to lay out said highway and fully empowered to have the same cleared and made passable. Upon reading and considering the same the prayer thereof appearing reasonable and that making said road would be serviceable to the public.

Therefore, Be it enacted by the Senate, and House of Representatives in General Court convened that Jon<sup>a</sup> Clark Esq<sup>r</sup> of Northwood Richard Sinkler Esq<sup>r</sup> of Barnstead and Captain Reuben Hill of Lee be a committee, they or any two of them and fully empowered to lay out by metes and bounds a highway

four Rods wide in such a course as shall to them appear most convenient from the main County road in Northwood to the Province Road (so called in Barnstead) and when they have laid out and marked the same that they notify the Selectmen of the Towns of Northwood, Pittsfield and Barnstead respectively to clear and make the same a good Waggon road as soon as may be. And in Case said Selectmen or the Selectmen of either of said Towns shall neglect to perform the same for the term of six Months after such notice, said committee are hereby authorized to proceed to clear and make said road passable in the manner aforesaid, and they shall be entitled to recover all the resonable expenditures they may be at on said road with cost of prosecution of such deficient Selectmen, And the Selectmen respectively of the aforesaid Towns are hereby impowered to Assess and cause to be collected such Sums of money as shall be sufficient to make the aforesaid highway in their Towns in the same manner as money is raised for the State Tax, unless such Towns or any of them vote to pay the expence of making said road in some other legal manner and perform the same.

## [CHAPTER 2.]

*State of  
New Hampshire.* }

### AN ACT FOR ALTERING THE NAME OF THE TOWNSHIP OF GRANTHAM TO NEW GRANTHAM

[Passed February 5, 1788. Original Acts, vol. 11, p. 2; recorded Acts, vol. 5, p. 401. Laws, 1780 ed., p. 462.]

Whereas Samuel Duncan hath Petitioned the General Court setting forth that the said Township is recorded in the Treasurers Office by the name of Grantham and the Inhabitants of said Township being settled under the Name of New Grantham as appears by the Charter, it makes it very difficult for said Inhabitants to Collect any Taxes, the precepts issuing from the Treasurers Office by the name of Grantham and the Inhabitants and the nonresident Proprietors holding their Title by the name of New Grantham and praying the name of said Town may be altered—which Prayer appearing reasonable—Therefore be it Enacted by the Senate and House of Representatives in General Court Convened and by Authority of the same that the name of said Township of Grantham be and hereby is altered to the name of New Grantham and that the annual meetings in said Town shall for the future be held on the second Tuesday of March forever

And be it further Enacted that the several Constables or Collectors in said Grantham who have heretofore had Lists of

Taxes delivered them to Collect made by the Selectmen of Grantham in consequence of precepts sent them by the Treasurer of this State and made under the name of New Grantham are hereby as fully authorized to Collect the same as though said Taxes had been made under the name of Grantham And that all other proceedings in said Town under the name of New Grantham be good and Valid to all intents and purposes as though made under Grantham any Law usage or Custom to the Contrary in any wise Notwithstanding

[CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER EDWARD JEWETT ADMINISTRATOR OF THE ESTATE OF LEVI WHITNEY DECEASED TO CONVEY LAND IN MARLBOROUGH LATELY BELONGING TO SAID WHITNEY

[Passed February 5, 1788. Original Acts, vol. 11, p. 3; recorded Acts, vol. 5, p. 402.]

Whereas Edward Jewett of Rindge in the county of Cheshire and state of Newhampshire Administrator of the estate of Levi Whitney late of Marlborough in said county deceased hath petitioned the General Court setting forth that the said Whitney in his life time had purchased a Tract of Land in said Marlborough which was by him in part cleared and a Frame of a House erected but by his untimely death was never reduced to any profit and that as the children of said Whitney are all very young they will not be benefited by those improvements; unless the said Land is sold and the proceeds appropriated to their use—The said Jewett therefore prayed he might be empowered to sell said tract of Land.

Which prayer appearing reasonable Therefore

Be it Enacted by the Senate and House of Representatives in General Court convened: That the said Jewett be and he hereby is empowered to sell and convey in fee simple, for the most it will sell for, a Tract of Land in said Marlborough lately belonging to the said Whitney (except the Widow's Dower therein) and for that purpose to make execute and acknowledge good and sufficient Deed or Deeds thereof; the said Jewett first giving Bond to the Judge of Probate for the county where the said Lands are situate to account with him for the proceeds in the same manner as an Administrator is obliged to do in the common and ordinary course of Administration.

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE GERSHOM LORD TO FILE A COMPLAINT AT THE  
NEXT SUPERIOR COURT OF JUDICATURE FOR THE COUNTY OF  
STRAFFORD

[Passed February 7, 1788. Not found in Original Acts; recorded Acts, vol. 5, p. 493.]

Whereas Gershom Lord of Dover in the County of Strafford and said State Potter hath Petitioned the General Court setting forth that at the inferior Court common pleas holden at Dover in and for said County on the third Tuesday of November AD. 1786 he recovered Judgment against Jon<sup>a</sup> Simonds of said Dover sadler, for the sum of thirty six pounds and one penny debt or damage and one pound six shillings and ten pence cost of Suit; from which Judgment the said Simonds appealed to the then next Superior Court of Judicature but failed to enter his said appeal; And that the said Gershom Lord, prevented by sickness, did not file a complaint as the Law directs by means of which the said Lord hath lost the benefit of the said Judgment. Wherefore he prayed that he might be empowered to file a complaint at the next Superior Court for said County if the said Simonds should not then enter his said appeal. Which appearing reasonable.

Therefore be it enacted by the Senate and house of Representatives in General Court convened that the said Gershom Lord be and he hereby is empowered to file a complaint for affirmation of the said Judgment with Interest and cost at the next Superior Court of Judicature to be holden at said Dover in and for said County of Strafford on the third Tuesday of April AD. 1788, if the said Jonathan Simonds should not then enter and prosecute his said appeal as the law in other cases directs which he is hereby enabled to do. And the said Superior Court of Judicature are hereby authourized to take cognizance thereof and render Judgment thereon in the same manner as in other cases of appeal to the said Court

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

## AN ACT TO IMPOWER ELISHA DAY AND SARAH DAY TO SELL CERTAIN LANDS IN LEMPSTER—

[Passed February 8, 1788. Original Acts, vol. 11, p. 4; recorded Acts, vol. 5, p. 403.]

Whereas Elisha Day and Sarah Day Gaurdians to Abijah Brainerd a Minor have petitiond this Court praying that they may be impowered and authorized to sell and convey Certain Lands the property of their said Ward, lying in Lemster in the County of Cheshire. Notice thereof being given and no objection being made and the prayer appearing reasonable Therefore

Be it enacted by the Senate and House of Representatives in General Court conven<sup>d</sup> and by the authority of the same, that the said Elisha and Sarah in their said capacity are hereby Impowered and authorized to sell at Public Auction One Lott of Land lying in Lempster aforesaid and is Numbred Five in the first Division giving fifteen Days notice of the Time and place of sale and what credit will be given to the Purchaser or Purchasers of said Land, the said Gaurdians first giving Bonds with Sureties to the Judge of Probate for the County of Cheshire to account for the Proceeds to the Judge of Probate or to the said Minor and the said Gaurdians are authorized and Impowerd to execute good and valid Deed or Deeds of the said Lott of Land to any Person or Persons purchaseing the same

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR RAISING FIFTY NINE THOUSAND SIX HUNDRED AND EIGHTY FOUR DOLLARS IN INDENTS, TWENTY FIVE THOUSAND TWO HUNDRED POUNDS IN CERTIFICATES AND THREE THOUSAND POUNDS IN SPECIA FOR DEFRAYING THE CHARGES OF GOVERNMENT THE CURRENT YEAR AND OTHER CONTINGENCIES.

[Passed February 9, 1788. Not found in Original Acts; recorded Acts, vol. 5, p. 404. Laws, 1780 ed., p. 463.]

Whereas it is necessary that a Sum of Money should be raised to discharge the Interest of the domestic debt the interest and fifteen p<sup>r</sup> Cent of the Principal of the state notes, and three

Thousand Pounds in specie for defraying the charges of Government the Current Year.

Therefore be it enacted by the Senate and House Representatives in General Court convened, that there be and hereby is granted agreeable to a Resolve of Congress of the eleventh day of October last Fifty nine Thousand six hundred and eighty four Dollars to be paid in Indents.

And be it further enacted by the authority aforesaid that the sum of twenty five thousand and two hundred Pounds be paid in Certificates Issued by the Treasurer for one Year's Interest and fifteen p<sup>r</sup> Cent of the principal of the State Notes.

Be it further enacted by the authority aforesaid that the Sum of Three Thousand Pounds in specie be and hereby is raised for defraying the charges of Government the current Year, and other contingencies and the Treasurer is hereby directed to issue his warrants to the Selectmen or assessors of the several Towns Parishes and districts in this state according to the last proportion Act of this State for the assessing and Collecting of said sums and the Selectmen and Assessors thereof are hereby respectively required to assess and Levy the same and cause the same to be paid into the Treasurer of this State, as follows viz. That part of the Tax which is to be paid in indents by the first day of July next, and the whole of the remaining Sums by the last day of December next. And the said assessments shall be made according to each persons poll and rateable estate which he shall have and be possessed of on the first day of April next; and Certificates for interest drawn by the Treasurer of this state Indents issued for the Interest of the Domestic Debt & orders drawn by the President on the Treasurer shall be received in payment of the aforesaid sums respectively as well by the collectors as by the Treasurer aforesaid.

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE JUDGE OF PROBATE FOR THE COUNTY OF ROCKINGHAM TO GRANT ADMINISTRATION DE BONIS NON OF JOHN GIDDINGE LATE OF EXETER ESQ. DECEASED INTES-TATE.

[Passed February 9, 1788. Not found in Original Acts. Recorded Acts, vol. 5, p. 405.]

Whereas the Children of said Deceas'd have petitioned the General Court representing that administration of the Estate of said Deceased was in December AD. 1785 granting to Mehetable Giddinge his Widow who soon after was providentially deprived

of her reason and still continues to be. By reason whereof the Settlement and distribution of said estate is impeded and the Creditors to the same kept out of their Just demands and praying that the Judge of Probate for said County may be empowered to grant Administration de bonis non of said intestate to Nathaniel Rogers of Newmarket Esq<sup>r</sup> a person they apprehend most capable of bringing the same to a speedy Settlement. Which Prayer appearing reasonable

Be it therefore enacted by the Senate and House of Representatives in general court convened that the Judge of Probate for the said County be and hereby is empowered to grant administration de bonis non of said intestate to the said Nathaniel Rogers Esq<sup>r</sup> in due form of Law any law usage or custom to the Contrary notwithstanding

### [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE SELECTMEN AND OVERSEERS OF THE POOR IN ATKINSON IN THE COUNTY OF ROCKINGHAM AND STATE AFORESAID TO DISPOSE OF CERTAIN LANDS IN SAID ATKINSON BELONGING TO EBENEZER PAGE AND MEHITABEL PAGE AND ACCOUNT FOR THE PROCEEDS THEREOF—

[Passed February 11, 1788. Original Acts, vol. 11, p. 5; recorded Acts, vol. 5, p. 406. See act of Jan. 16, 1771 and act of Feb. 11, 1791.]

Whereas Peter Clement, Jonathan Poor and Ezekiel Belknap Selectmen and overseers of the Poor of Atkinson aforesaid have by petition represented to the General Court that Ebenezer Page and Mehitabel Page both of said Atkinson though of full age are persons naturally wanting in understanding, altogether incapable of taking care and providing for their Support and maintenance, that they are very infirm and have for a long time been under the care of the Selectmen and overseers of said Atkinson, that the Inhabitants of said Atkinson were already in advance for the past Support of the said Ebenezer and Mehitabel that they the said Ebenezer and Mehitabel have no personal estate to reimburse the same, or for their future support—That they were possessed of an Estate in certain lands consisting of about forty acres lying and being in Atkinson aforesaid which they claim as coheirs with their brother John Page to the Estate of their late father Timothy Page deceased—That said lands are in an uncultivated state, and of little or no income, and have prayed that a Law might pass to enable the said selectmen and overseers of the Poor of said Atkinson for the time being to make sale and dispose of the Estate of the said Ebenezer and Mehitabel

for the most the same would fetch, and to appropriate the proceeds thereof for reimbursing the Inhabitants of said Atkinson the Sums by them already expended for the Support of the said Ebenezer & Mehitabel and for their future maintenance, and the overplus if any there should happen to be, for the use of their legal heirs, And the facts stated in the said petition appearing to be true, and the prayer thereof reasonable—Therefore—

Be it Enacted by the Senate and House of Representatives in General Court convened and by the authority of the Same it is hereby enacted, That the said Selectmen and overseers of the poor of the Town of Atkinson for the time being be and they hereby are fully authorized and impowered to make sale and dispose of the respective Estates, rights or Shares of the said Ebenezer Page and Mehitabel Page in and unto the aforementioned Tract of land and to make and Execute a good and valid deed or deeds to the purchaser or purchasers thereof which deeds authenticated in due and common form of Law, shall be effectual to convey the rights, shares, Estate and Interest of the said Ebenezer and Mehitabel of in and unto the said Tract of land to the purchaser or purchasers—Provided always that the said Select men and overseers of the Poor of said Town of Atkinson or a major part of them for the time being duly authorized for that purpose shall before they make any disposition or sale of said lands, give Sufficient bond to the Judge of Probate of Wills &c in the County of Rockingham aforesaid to apply the monies arising from the sale of said Lands for reimbursing the said town of Atkinson the Sums by them advanced as aforesaid and for the future maintenance and Support of the said Ebenezer and Mehitabel and to account with the said Judge of Probate &c of and concerning their application of the same to the purposes aforesaid, and to account with and deliver and pay over to the legal heirs of the said Ebenezer and Mehitabel the residuum or remainder of all such monies if any there shall happen to be left and remain in their hands at the decease of the said Ebenezer and Mehitabel or the longest liver of them, that shall not have been necessarily expended as aforesaid



## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE NORTHERLY PART OF NEW-CHESTER IN THE COUNTY OF GRAFTON INTO A DISTINCT TOWN.

[Passed February 12, 1788. Not found in Original Acts. Recorded Acts, vol. 5, p. 408.]

Whereas a petition hath been preferred to the General Court in behalf of the Inhabitants of New-Chester in the County of Grafton setting fourth that they labour under great inconveniencies by reason of the great length of their Town and praying that they may be divided into two Towns of which Public notice has been given and no objection has been made

Therefore be it enacted by the Senate and House of Representatives in General Court convened and by the authority of the same that there be and hereby is a Township erected and incorporated by the name of Bridgewater Bounded as follows Beginning at the mouth of Newfound River (so called) thence running by the southerly Bank of said river to Newfound Pond thence by the easterly shore of said pond to Plymouth line thence by said line to Pemigewasset River thence down said River to the bounds first mentioned including all the Lands in said river against said tract.

And the Inhabitants of said Tract are hereby erected into a body Politic and corporate to have continuance and succession forever & invested with all the rights priviledges and immunities which any Town in this state have and enjoy.

To hold to the said Inhabitants and their Successors forever and M<sup>r</sup> Thomas Crawford is hereby Authorized to call a meeting of said Inhabitants to chuse all necessary and customary Town Officers giving fourteen days Notice of the time and Place and design of such Meeting and the Officers then Chosen shall be and hereby are invested with all the Power and authority necessary to discharge the duty of their respective Offices as in other Towns in this state and every other meeting which shall be annually held in said Town for that Purpose shall be held on the second Tuesday of March forever; Provided that nothing in this act shall alter the mode of chusing Representatives but that they shall be chosen in the same manner as though this act of Incorporation had not taken Place and that the State and County Taxes be assessed and Collected in the same manner as heretofore practised, untill a new valuation be taken through the State.

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT FOR TAXING LANDS IN THE TOWN OF LANCASTER FOR  
REPAIRING ROADS & BUILDING BRIDGES

[Passed February 12, 1788. Original Acts, vol. 11, p. 6; recorded Acts, vol. 5, p. 409. See additional act of November 10, 1788.]

Whereas a Petition has been preferr'd to the General Court by the Inhabitants of the Town of Lancaster in the County of Grafton praying that the Selectmen of said Lancaster may be empowered to levy & Collect an equal Tax on each Acre of Land in Said Town (Public Rights excepted) for Repairing of Roads & other purposes therein mentioned, of which public Notice has been given & no objection hath been made—and the prayer of said Petition appearing in part Reasonable

Be it enacted by the Senate and House of Representatives in General Court Conven'd—That the Selectmen of the said Town of Lancaster or their Successors in said office be and they are hereby empowerd to Assess, Levy & Collect for the present Year two pence on each & every Acre of Land in Said Town (Public Rights excepted) and one penny on each Acre annually for three Succeeding years,—and Said Selectmen are hereby empowered to apply the said Taxes when raised to the Repairs of the Road and building of Bridges in the said Town.—

Provided that said Selectmen shall cause a Substantial Bridge to be built and Completed over the River Israel and the residue of the two pence  $\frac{7}{8}$  Acre to be assessd this Year, to be laid out on the Road on or before the first day of November next and that the one penny  $\frac{7}{8}$  acre for the three Succeeding Years shall be laid out on the Roads by the first day of Nov<sup>r</sup> in each year.—

Provided also that no Labour on said Bridges or Roads shall be charged at a higher price than at the Rate of three Shillings per day for an able Man finding his own Diet

Provided further that the Non-resident Proprietors or Owners of lands in said Town shall have liberty to pay their Proportion of the Assessments aforesaid in work to be done at the Rate aforesaid on said Roads and bridges, for which purpose they shall have two months notice given them by the Selectmen of said Town, either personally or by Advertisement in one of the New Hampshire News Papers, previous to the time when said work is to be done.

## [CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE TO A REHEARING WILLIAM FOWLER IN AN ACTION OF TRESPASS BROUGHT BY GEORGE JAFFREY ESQ<sup>r</sup> AGAINST THE SAID FOWLER—

[Passed February 12, 1788. Original Acts, vol. 11, p. 7; recorded Acts, vol. 5, p. 410.]

Whereas William Fowler hath petitioned this Court, setting forth that George Jaffrey Esq<sup>r</sup> heretofore brought an Action of Trespass against the Petitioner, which action was heard upon a Review at the Superior Court, holden at Portsmouth within & for the then Province of New Hampshire in September term 1774. when & where a Verdict was found against the Petitioner for four shillings & nine pence damage, upon which Verdict Judgment was rendered & Costs taxed at upwards of Eighty pounds—that the said Jaffrey in 1786 revived said Judgment by Scire facias, obtained Execution & threw your Petitioner into Prison—that the said Judgment was founded in mistake, & praying a rehearing upon the merits—the prayer of which Petition upon a full hearing appearing reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened, that the said Fowler have liberty to re-enter his said Action of Review at the next Superior Court of Judicature next to be holden at Dover within & for the County of Strafford on the third Tuesday of April next & have as full and Ample hearing trial & determination as he could possibly have had, upon the merits on the former trial upon Review any Law usage or Custom to the contrary notwithstanding—

## [CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JERUSHA McALLESTER TO SELL TEN ACRES OF LAND LYING IN BEDFORD BEING PART OF LOT No 7 IN THE SEVENTH RANGE IN SAID TOWN. AND ALSO ONE QUARTER OF A SAW-MILL IN BEDFORD AFORESAID BEING PART OF THE REAL ESTATE OF HER LATE HUSBAND WILLIAM McALLESTER DECEASED—

[Passed February 12, 1788. Original Acts, vol. 11, p. 8; recorded Acts, vol. 5, p. 411.]

Whereas Jerusha McAllester of Bedford County of Hillsboro & State aforesaid hath petitioned the General-Court setting fourth that her late Husband William McAllester did in his Life Time by his last Will & Testament ordain that the personal Estate which he should be possessed of at the Time of his decease should be sold and applied to the payment of his Just Debts, & in Case the whole thereof should prove insufficient—then so much of his real Estate should be disposed of as to Compleat the payment thereof, & the petitioner further shewed that should the whole of the personal Estate of her late Husband be disposed of, that the income of the real Estate would prove quite insufficient for the Support of Herself & Family—Wherefore she prayed the said General Court that she might be authorised & empowered to sell & convey a Certain part of the real Estate of her said Husband for discharging the Debts aforesaid, and after a full hearing on the said petition & no Objections being offered the prayer thereof Appearing reasonable

Therefore Be it enacted by the Senate & House of Representatives In General-Court convened; that Jerusha McAllester be & hereby is authorized & impowered to sell & Convey ten Acres of Land in Bedford being part of Lot No 7 in the seventh Range of Lots in said Town, which was the property of her late Husband at his decease—And also one Quarter part of a Saw-Mill Lying in Bedford aforesaid commonly known by the Name of Riddle's Saw-Mill; which also was part of the Estate of her late Husband aforesaid. And a Deed or Deeds made & duly executed in Common Form by the said Jerusha McAllester of the Premises, (she the said Jerusha first giving Caution with sufficient Sureties to the Judge of probate for the County of Hillsboro to account for the proceeds thereof) shall be as good & valid to all intents & purposes in Law as if her said Husband William McAllester was living & made & duly executed the Same. any Law Usage or Custom to the Contrary notwithstanding—

## [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT FOR THE NATURALIZATION OF CHARLES JOSEPH GABRIEL  
COLINET AND MARIE THERASE LOYAL HIS WIFE

[Passed February 13, 1788. Original Acts, vol. 11, p. 9; recorded Acts, vol. 5, p. 413. See act of February 16, 1785.]

Whereas the said Colinet hath, petitioned this Court setting forth that he and his said wife purchased a Certain tract of Land in Hampton in the County of Rockingham with the Buildings thereon from Jonathan Moulton late of said Hampton Esqr Deceased but by reason of their being aliens and incapable in Law to hold Real Estate and praying the said Lands might be confirmed to them and an Act of naturalization passed in their favour which appearing reasonable

Therefore Be it Enacted by the Senate and House of Representatives in general Court convened That the said Lands purchased as aforesaid with the appurtenances be and hereby is confirmed to the said Colinet and wife agreeably to the Deed of conveyance in as full and ample a manner as Though they at the time of the purchase were natural born Subjects of this State any Law usage or Custom to the contrary notwithstanding

And be it further Enacted That the said Charles Gabriel Colinet and the said Marie Therese Loyal his wife are hereby declared to be and they are free Citizens of this State and as such are and hereafter shall be considered acknowledged and known to all Intents and purposes in as ample a manner as if they had been born within the same or had been free Citizens thereof at the time of forming the present Constitution

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT FOR REPEALING AN ACT PASSED FEBRUARY YE TWENTY SEVENTH ONE THOUSAND SEVEN HUNDRED & EIGHTY THREE TO EXTEND A RESOLVE OF THE GENERAL COURT PASSED THE TENTH DAY OF NOVEMBER A D 1779 PROHIBITING THE SALE OF LANDS BELONGING TO PERSONS WHO HAVE ABSENTED THEMSELVES FROM THIS AND ANY OTHER OF THE UNITED STATES AND GONE OVER TO OUR ENEMIES, FOR TAXES, TO LANDS BELONGING TO THE SUBJECTS OF GREAT BRITAIN & FOR PREVENTING THE SALE OF ALL SUCH LANDS FOR TAXES

[Passed February 13, 1788. Original Acts, vol. 11, p. 10; recorded Acts, vol. 5, p. 414. Laws, 1780 ed., p. 464.]

Whereas the before recited Act if continued in force will be very injurious to the good People of this State and the Reasons for passing the same having ceased; therefore;

Be it enacted by the Senate and House of Representatives in General Court convened that the said Act & every part & clause thereof be and hereby are repealed

## [CHAPTER 15.],

*State of  
New Hampshire.* }

AN ACT TO EXTEND THE WESTERLY LINE OF CHARLESTOWN IN THE COUNTY OF CHESHIRE TO THE WESTERLY BANK OF CONNECTICUT RIVER

[Passed February 13, 1788. Original Acts, vol. 11, p. 11; recorded Acts, vol. 5, p. 414.]

Whereas the Selectmen of the Town of Charlestown have petitioned this Court for two Islands in Connecticut River notice thereof having been given no objection being made and the prayer appearing reasonable, therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the bounds of the Town of Charlestown extend to the Western bank of the Connecticut River Including all the Islands in said River opposite the said Town of Charlestown which have not heretofore been granted to other persons anything in the Charter of said Charlestown to the contrary notwithstanding

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED  
AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, January 31, 1788.

Voted that the thanks of the Legislature be given to the Honb<sup>l</sup> Daniel Rindge Esq<sup>r</sup> for kindly assisting his Excellency John Sullivan Esq<sup>r</sup> in obtaining the Books of Record belonging to this State from the late Governor John Wentworth Esq<sup>r</sup>

Senate concurred January 31, 1788.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 1, 1788.

Whereas an Impost on printed books imported into this State would be unfriendly to Literature—Therefore—

Resolved by the Senate and House of Representatives in General Court convened that no Impost on any printed books which may be imported into this State shall be exacted or paid in future any Law to the contrary notwithstanding—

Senate concurred February 1, 1788.

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*State of* }  
*New Hampshire.* }

In Senate, February 6, 1788.

Resolved that the bounty given by an Act of this State passed the 10<sup>th</sup> of Nov<sup>r</sup> 1785 for killing of wolves and wolves whelps be considered as payable out of the hard money tax and that the said Act ought to be so construed and intended.

House of Representatives concurred February 7, 1788.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 11, 1788.

Voted that Thursday the tenth day of April next be observed and kept as a day of fasting humiliation and prayer throughout this State and that his Excellency the President with advice of Council be directed to issue a proclamation for that purpose—

Senate concurred February 11, 1788.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 12, 1788.

Voted that a Committee or agents on the part and behalf of this State be appointed to treat with and finally settle with the Masonian

proprietors touching the claim of the State to any lands lying between the curve line of Masons Patent so called and a Straight line lately run by order of the Legislature, on such terms as said Committee may think proper and that said Committee be further impowered on the part of the State in case they cannot effect Such Settlement to refer the controversy to any men of reputation and character not Inhabitants of this State whose report shall be conclusive between the parties and that a Resolve be brought in for that purpose—

Senate concurred February 12, 1788 so far as Respects the appointment of the committee to treat with and finally settle with the Masonian Proprietors if they should agree to such terms as they may think equitable and make a Report to the General Court at their next Session, but not with respect to the power of Referring.

House of Representatives concurred February 12, 1788.

*State of*  
*New Hampshire.* }

In the House of Representatives, February 13, 1788.

Resolved that John Bell Esq<sup>r</sup> Ebenezer Smith Esq<sup>r</sup> M<sup>r</sup> Jonathan Dow, Lemuel Holmes Esq<sup>r</sup> and Jonathan Freeman Esq<sup>r</sup> be and they hereby are appointed a Committee to treat with and finally Settle with the Masonian Proprietors if they should agree to such terms as the Committee may think equitable and make a report to the General Court at their next session agreeably to a vote of the General Court of Yesterday—

Senate concurred February 13, 1788.



## [FIFTH GENERAL COURT.]

[*Held at Concord and Exeter, Three Sessions, June 4, 1788 to  
February 7, 1789.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, PRESIDENT.

JOSEPH PEARSON, SECRETARY.

JOHN TAYLOR GILMAN, TREASURER.

JOHN PICKERING, PRESIDENT OF THE SENATE.

THOMAS BARTLETT, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Ebenezer Smith,	Meredith.
Peter Green,	Concord.
Robert Wallace,	Henniker.
Josiah Richardson,	Keene.
William Simpson,	Orford.

## [MEMBERS OF THE SENATE.]

John Pickering,	Portsmouth.
Pierce Long,	Portsmouth.
Christopher Toppan,	Hampton.
John Bell,	Londonderry.
Joshua Wentworth,	Portsmouth.
Ebenezer Smith,	Meredith.
John Waldron,	Dover.
Robert Wallace,	Henniker.
Ebenezer Webster,	Salisbury.
Amos Shepard,	Alstead.
Moses Chase,	Cornish.
Francis Worcester,	Plymouth.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Atkinson and Plais-	}	Nathaniel Peabody.
tow,		
Candia,	}	Stephen Fifield.
Chester,		Joseph Blanchard.
Chichester and		
Pittsfield,		Simeon Hilliard.
Concord,		Peter Green.
Deerfield,		Richard Jenness.
Epping,		William Plummer.

Exeter,	Dudley Odlin.
Greenland,	Clement March.
Hampton Falls and } Seabrook,	Elisha Brown.
Kingston,	Solomon Wheeler.
Londonderry,	Daniel Runnells.
	Archibald McMurphy.
Loudon,	John Drew.
Newmarket,	Nathaniel Rogers.
North Hampton,	Moses Leavitt.
Northwood, Ep- } som and Al- lenstown,	Jonathan Clark.
Nottingham,	Thomas Bartlett.
Pelham,	Jacob Butler.
Portsmouth,	George Gains.
	Samuel Hale.
	James Sheafe.
Salem,	Jeremiah Dow.
South Hampton and } East Kingston,	Benjamin Clough.
Stratham,	Simon Wiggin.
Windham,	James Gilmore.

## STRAFFORD COUNTY.

Barnstead, New Dur- } ham and New Durham Gore,	Joseph Pierce.
Conway, Eaton, Bur- } ton and Locations,	David Page.
Dover,	John Waldron.
Durham,	John Sullivan.
Gilmanton,	Joseph Badger, Jr.
Moultonborough, } Tuftonborough, Wolfeborough and Ossipee,	Nathan Hoit.
Sandwich and Tam- } worth,	David Gilman.
Somersworth,	Barnabas Palmer.
Wakefield, Middle- } ton and Effingham,	Nicholas Austin.

## HILLSBOROUGH COUNTY.

Amherst,	William Peabody.
Bedford,	Stephen Dole.
Boscawen,	George Jackman.

Dunbarton and Bow,	David Storey.
Fishersfield, Sutton } and Warner,	James Flanders.
Goffstown,	William Page.
Hancock, Antrim } and Deering,	James Duncan.
Henniker and Hills- borough,	William Wallace.
Hollis,	Daniel Emerson.
Hopkinton,	Benjamin Darling.
Lyndeborough,	Nehemiah Rand.
Merrimack,	Timothy Taylor.
New Boston,	John Gove.
New Ipswich,	Charles Barrett.
New London, An- dover and Gore,	Peter Weare.
Nottingham West,	Ebenezer Cummings.
Peterborough and Society Land,	Jeremiah Smith.
Raby and Mason,	Obediah Parker.
Temple and Peter- borough Slip,	Benjamin Cragin.
Wilton,	Abiel Abbott.

## CHESHIRE COUNTY.

Acworth Lempster } and Marlow,	Elijah Frink.
Alstead,	Oliver Shepard.
Charlestown,	William Page.
Chesterfield,	Moses Smith.
Cornish,	Jonathan Chase.
Dublin and Packers- field,	Reuben Morse.
Fitzwilliam,	Caleb Winch.
Jaffrey,	Abel Parker.
Keene,	Josiah Richardson.
Marlborough,	Jedediah Tayntor.
Newport and } Croydon,	Jesse Lane.
Richmond,	Jonathan Gaskill.
Stoddard and Wash- ington,	Jacob Copeland.
Surry, Gilsum and } Sullivan,	Jonathan Read.
Swanzy,	David Belding.
Walpole,	Aaron Allen.
Winchester,	Moses Chamberlain.

## GRAFTON COUNTY.

Bath, Lyman, Landaff, Gunthwaite, Littleton and Dalton,	} Samuel Young.
Hanover,	} Jonathan Freeman.
Haverhill and Coventry,	} Joseph Hutchins.
Holderness, Campton and Thornton,	} John Brown.
Lancaster, Northumberland, Stratford, Dartmouth, Piercy Cockburne and Coleburne,	} Jeremiah Eames.
Lebanon,	} David Hough.
Lyme and Dorchester,	} Jonathan Franklin.
New Chester, Alexandria, Bridgewater and Cockermouth,	} William Powers.
Orford and Wentworth,	} William Simpson.
Piermont and Warren,	} Isaac Patterson.
Plymouth and Rumney,	} Abraham Robinson.

[*First Session, Held at Concord, June 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 1788.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE WILLIAM KING OF DOVER IN THE COUNTY OF STRAFFORD ESQ<sup>re</sup> TO TAKE THE NAME OF ATKINSON—

[Passed June 12, 1788. Original Acts, vol. 11, p. 12; recorded Acts, vol. 5, p. 415.]

Whereas the said William King hath petitioned the General Court Setting forth that the late Honorable Theodore Atkinson by his last Will and Testament duly approved & allowed devised to the late George Atkinson Esq<sup>re</sup> a part of the said Theodore's real Estate with the Appurtenances, during the Continuance of the said George's natural Life, & after his decease, to his eldest male Heir of his Body lawfully begotten, and after the Decease of the said eldest Male Heir, to such eldest male Heirs, as aforesaid, in a right line from one Generation to another forever—But in Case of failure of such Heirs of the said George, then the said premises, were by said Testator limited to William King, Brother of the said George, and to his eldest male heir in manner aforesaid. But in Case of failure in that line also then to their Brother, the late James Playter's King & to his eldest Male heir as aforesaid—That the said Testator's Will & intent was that the said Premises should be held on the special Condition that the said George & every Tenant in tail before he should be permitted to enter upon or take possession of the said premises or any part thereof should take the Name of Atkinson & by the name of Atkinson, act & transact all his Affairs in which a Name is required, and upon the neglect or Refusal of any of the several Tenants, aforesaid such Tenant so neglecting should forfeit his Right, it being said Testators intent, that said premises should be held by one male person, known in all Transactions by the Name of Atkinson. And whereas the said William King, father of the said Petitioner, after the decease of the said George Atkinson without issue, did, upon certain Conditions in said petition mentioned, neglect to take upon him the name of Atkinson, and did Assign & surrender all his Right of complying with the Conditions of said Devise to the said Petitioner, being the only child of the said William King—Wherefore he prayed he might be enabled to take the Surname of Atkinson, with the Premises aforesaid, agreeably to the intent and meaning of the said Theodore the Testator, the prayer of which petition appearing reasonable—

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that the said William King the petitioner, from and after the passing of this Act, be, and hereby is enabled, authorized, and empowered to take and Use the Surname of Atkinson with the said Premises agreeably to the Intent and Meaning of the said Testator and that he, and his posterity forever hereafter be called & known by the Surname of Atkinson in all Transactions wherein a name is required—

[CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO REVIVE AND CONTINUE IN FORCE, AN ACT, ENTITLED,  
AN ACT TO ESTABLISH CERTAIN IMPOST DUTIES ON VARIOUS  
FOREIGN ARTICLES IMPORTED INTO THIS STATE.”

[Passed June 13, 1788. Original Acts, vol. 11, p. 13; recorded Acts, vol. 5, p. 417. Laws, 1780 ed., p. 465; Perpetual Laws, 1789 ed., p. 159. See acts of March 4, 1786 and June 27, 1787.]

Whereas the said act will expire at the end of this session of this General Court, unless further continued, and as the same has been found very beneficial, Therefore, Be it enacted, by the Senate and House of Representatives in General Court conven'd That, the said act and every part and clause thereof, so far as the same are consistent with the other impost—Acts now in force; be and hereby are revived and continued in full force for the term of two years from the passing hereof and until the end of the next session of the General Court.

[CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE PRESIDENT WITH ADVICE OF COUNCIL  
TO DRAW ORDERS FOR THE PAYMENT OF THE TRAVEL OF MEM-  
BERS OF CONVENTION.

[Passed June 13, 1788. Original Acts, vol. 11, p. 14; recorded Acts, vol. 5, p. 419.]

Whereas the travel of the Convention should be paid in the same manner as that of the members of the General Court. Therefore,

Be it enacted by the Senate and house of Representatives in General Court conven'd, that the President of this State, by and with the advice of Council be and hereby is empowered and

directed to draw orders for the travel of the members of said Convention in the same manner, as by law he is enabled to do, for the travel of the house of Representatives: Any Law usage or custom to the contrary notwithstanding.

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT TO MAKE VALID THE PROCEEDINGS OF A TOWN MEETING HOLDEN IN SURRY IN THE COUNTY OF CHESHIRE ON TUESDAY THE FOURTH DAY OF MARCH LAST, WHICH BY LAW SHOULD HAVE BEEN HOLDEN ON MONDAY THE THIRD DAY OF MARCH AFORESAID—

[Passed June 13, 1788. Original Acts, vol. 11, p. 15; recorded Acts, vol. 5, p. 421.]

Whereas a petition has been presented to this Court shewing that the annual Town Meeting in the Town of Surry aforesaid, was by Mistake notified and holden in said Town on Tuesday the fourth day of March last, which by Law should have been holden on Monday the third of March aforesaid, and the prayer thereof was, that the same might be made valid—which prayer appearing reasonable—

Therefore be it enacted by the Senate & House of Representatives in General Court convened, that the said meeting and all, & every of the Votes and Transactions of the same, be, and they hereby are established and rendered valid, to all intents and purposes as tho, the said Meeting had been held on Monday the day appointed by Law for holding the same—

## [CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT FOR ISSUING AN ALIAS EXECUTION AGAINST JOSEPH CLARK LATE OF ANTRIM IN THE COUNTY OF HILLSBOROUGH YEOMAN; & TO ENABLE EPHRAIM BARKER TO MAKE RETURN THEREON IN THE ROOM OF ONE WHICH IS LOST—

[Passed June 14, 1788. Original Acts, vol. 11, p. 17; recorded Acts, vol. 5, p. 423. See additional act of February 5, 1789.]

Whereas Ephraim Barker of Amherst in the County of Hillsborough Yeoman hath petitioned the General-Court Setting forth that at the Inferior-Court of common pleas held at Amherst aforesaid on the first Tuesday of July 1782 John Caldwell

McNeill of New-boston in said County Trader recovered Judgment against Joseph Clark late of Antrim, Yeoman for the sum of forty one pounds seven shillings damage & one pound fourteen shillings and six pence Cost of Suit, & afterwards on the ninth Day of said July took out his Writ of Execution for the Sums aforesaid & the same delivered to the said Barker who was then a Keeper of the Goal in said Amherst who thereupon served the said Writ of Execution & held the said Clark in Prison upon that & other precepts until the Beginning of May 1783 the said Barker pursuant to the Orders of the high-Sheriff delivered all his precepts over to one Jonathan Smith who succeeded the said Barker as keeper of said Goal—that in the Course of these Transactions the said Execution was lost.

Wherefore the said Barker prayed that he might be impowered to take out Execution in due Form of Law bearing even Date with that lost & the Clerk of said Court authorised to grant the same, & that the Said Barker be enabled to make Return thereon that he took the Body of the said Clark & him committed to the Goal aforesaid in like Manner as the Execution which is lost might or ought to have been returned.

The prayer of which petition appearing reasonable. Therefore Be it enacted by the Senate & house of Representatives in General-Court convened that the Said Barker be & hereby is impowered to take out Execution in due Form of Law bearing even Date with the Execution lost, & the Clerk of said Court is hereby authorised to issue the same; and the Said Barker may and shall make return thereon into the Clerk's Office of Said Court that he took the Body of the said Clark and him committed to Goal as aforesaid in like manner as the return was or ought to have been made on the lost Execution.—and that the said last mentioned Execution issued & returned in Manner as afores<sup>d</sup> shall be as Good and effectual as if the lost Execution had been duly & seasonably returned any Law usage or Custom to the Contrary notwithstanding.—



## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE AND IMPOWER DANIEL HUMPHREYS ESQR GUARDIAN OF GEORGE KING SPARHAWK OF PORTSMOUTH IN THE STATE OF NEW HAMPSHIRE A MINOR, TO SELL AND CONVEY ANY OUT LANDS BELONGING TO SAID MINOR, TO COMPROMISE OR REFER ANY DISPUTE CONCERNING THE TITLE OF SAID LANDS, TO RELEASE ANY PART THEREOF AND TO CHARGE THE SAME AND THE OTHER ESTATE OF SAID MINOR FOR THE PURPOSES AFORESAID.

[Passed June 14, 1788. Original Acts, vol. 11, p. 18; recorded Acts, vol. 5, p. 417.]

Whereas George King Sparhawk of Portsmouth in said State a Minor by his Guardian Daniel Humphreys Esq<sup>r</sup> hath petitioned the General Court, representing that the Hon<sup>ble</sup> George Atkinson Esq<sup>r</sup> late deceased Uncle to the said Minor, by his last will devised to him his out Lands in the State of New Hampshire; that these are liable to taxes, but yield no present Income, That the Title of many of them is in dispute; that the same are his resource & dependance for his support and education; and cannot be sold during his minority for the purposes aforesaid, nor said Controversies compromised settled or referred without the Intervention of the General Court. praying that his said Guardian may be authorized and empowered to sell and convey any of said Lands, refer or settle any dispute respecting the Title of the same, release any part thereof, and charge said Lands and other Estate of said Minor with any sum of money for the purposes aforesaid; The Prayer of which Petition on hearing and considering the same appearing to be reasonable, therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Daniel Humphreys be and he hereby is authorized and fully empowered as Guardian of said George King Sparhawk, to make sale of and convey any part of the out Lands of the said George King Sparhawk during his minority for the purposes aforesaid. To give make and execute in his said capacity, good and sufficient Deeds in any proper and legal form, of any of the Lands aforesaid, which Deeds shall be as valid and effectual to all intents and purposes, to convey the Estate of the said George King Sparhawk, and the covenants therein as binding upon him and his Heirs, Executors and Administrators, as though he himself were of full age, and had made and executed the same in due form of Law. And the said Daniel Humphreys shall from time to time, lay his Doings herein before the Court of Probate for the County of Rockingham, and charge himself in his guardianship account

with any surplus not laid out and not necessarily expended for y<sup>e</sup> purposes aforesaid. And He is further authorized and fully empowered in his capacity of Guardian as aforesaid, to compromise agree and settle in behalf of his said Ward, during his minority any dispute already risen or that may arise respecting the Title of said Lands or any part thereof—and for that purpose to give and execute Deeds of release which shall be Valid and binding as aforesaid, of any part of said Lands, and, as the case may be, to charge the said George King Sparhawk, his heirs executors and Administrators, his said Lands and other estate, with the payment any Sum or sums of money, which his said Guardian may in his behalf agree, to give or enter into any obligation in his said capacity to give, in making any settlement or compromise of any of the Controversies aforesaid.

And Be it further enacted, that the said Daniel Humphreys be and hereby is further fully authorized and impowered to refer or submit to Arbitration in his said capacity any of the controversies aforesaid, & to enter into any obligation or agreement for that purpose which reference or submission shall be equally binding and conclusive upon and unto the said George King Sparhawk his heirs executors and administrators, as though he were of full age and had himself made entered into the same, or had obliged himself to abide thereby.

Provided nevertheless that the said Daniel Humphreys shall before he make Sale of said Lands, or do the other Acts which he is herein impowered to do, give bond in a sufficient Sum with Sureties, to the Judge of Probate for the County of Rockingham for the faithful performance of the Trust herein reposed in him, and to account with said Minor for the proceeds of any lands sold as aforesaid, in such manner as the Law requires Guardians to account.

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT FOR THE EXEMPTING THE BODY OF ISRAEL MOREY ESQ  
OF FAIRLEE IN THE COUNTY OF ORANGE & STATE OF VER-  
MONT ESQUIRE FROM ARREST IN ALL CIVIL CAUSES IN THIS  
STATE FOR THE TERM OF ONE YEAR—

[Passed June 16, 1788. Original Acts, vol. 11, p. 19; recorded Acts, vol. 5, p. 422.  
See the act of February 7, 1789.]

Whereas the said Israel Morey hath petitioned this Court setting forth that about Six years since he Removed from this State, since which he hath had several complicated Actions commenced against him in said State of New Hampshire, which re-

quired his Personal attendance, that a proper defence might be therein made, and that he is Indebted to sundry Persons in said State of New Hampshire, on account of which, his Person is liable to Arrest, and that he hath property within the State of Vermont sufficient to settle all Just demands against him, where his Body is equally liable to arrest as in this State, and praying that his body might be Exempted from arrest in any Civil Causes that may be commenced against him for the Term of one year—the prayer of which petition appearing reasonable—

Therefore be it Enacted by the Senate and house of Representatives in General Court convened that the Body of the said Israel Morey Esq<sup>r</sup> be and hereby is Exempted for the Term of one year from the passing of this Act from Arrest in this State on account of any Writt, Execution or other Civil process, that is already, or may be hereafter commenced against him—and all Officers are hereby directed to take Notice and govern themselves accordingly, any Law of this State to the contrary Notwithstanding

Provided nevertheless this Act shall not extend to or affect any arrest of the said Israel already made on any civil process prior to the passing of this Act—

## [CHAPTER 8.]

*State of  
New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT, ENTITLED “AN ACT FOR THE REGULATING THE GUAGING OF CASKS.

[Passed June 17, 1788. Original Acts, vol. 11, p. 20; recorded Acts, vol. 5, p. 424. Laws, 1780 ed., p. 465; Perpetual Laws, 1789 ed., p. 204; Laws, 1792 ed., p. 319. The act referred to is dated January 12, 1787. See act of May 10, 1687, 1 Laws of New Hampshire, p. 197; also act of May 2, 1719.]

Whereas it often happens that the Gauger is obliged to guage a single cask only, for which by the said act he can demand three pence, which is found in such case to be inadequate for such service. Therefore,

Be it enacted by the Senate & House of Representatives in General Court convened that whenever any Guager shall be required to guage one single cask only, he may demand and receive therefor the sum of six pence instead of the three pence allowed by said act and whenever any Guager shall be required to guage more casks than one at the same time, he shall receive no more than three pence for each cask he may so guage as in and by said act directed.

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER AND AUTHORIZE CERTAIN PERSONS THEREIN NAMED TO CONVEY TO THE PERSONS COMMONLY CALLED THE MASONIAN PROPRIETORS, ALL THE INTEREST AND TITLE OF THE SAID STATE IN AND TO THE LANDS LYING BETWEEN THE CURVE LINE CLAIMED BY SAID PROPRIETORS AS THE HEAD LINE OF MASON'S PATENT AND A STRAIGHT LINE LATELY RUN BY ORDER OF THE GENERAL COURT OF SAID STATE; AND TO ACCEPT OF CERTAIN SECURITIES THEREFOR, IN BEHALF OF SAID STATE.

[Passed June 17, 1788. Original Acts, vol. 11, p. 21; recorded Acts, vol. 5, p. 425. Laws, 1780 ed., p. 466; Perpetual Laws, 1789 ed., p. 105.]

Whereas by a vote of the House of Representatives concurred in the Senate, it has been determined by the General Court to release to the said Proprietors all the right title claim interest and demand of said State in and to the Lands aforesaid, on condition said Proprietors secure to the State the payment of Forty Thousand Dollars in State Securities, and eight hundred Dollars in Specie, therefor, and whereas the said Proprietors by their Agents have in writing declared their acceptance of the Terms and conditions aforesaid in order to a final Settlement of the Controversy between the State and said Proprietors respecting the said Lands; Therefore in order, and to the Intent that, said Agreement may be compleated,

Be it enacted by the Senate and House of Representatives in General Court convened, that Thomas Bartlett, Dudley Odlin and Archibald McMurphy Esquires be and they hereby are appointed a Committee or Agents on the part and behalf of the State to release quit claim and convey to the said Proprietors all the Right Title Interest Claim and Demand of said State in and unto the Lands aforesaid, with full powers and authorities to them or the Major part of them, to make and execute any Deed or Deeds, for the purpose aforesaid, which Deed or Deeds shall be valid and effectual in Law to all intents and purposes to convey to said Proprietors their Successors Heirs and Assigns forever all the Right Title Interest Claim and Demand of said State to the Lands aforesaid—And also they or the major part of them to receive and accept from said Proprietors or their Agents security or securities for the payment of the Forty Thousand Dollars in State Securities and the eight hundred Dollars in Specie, as aforesaid, for and in behalf of the State.

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO MAKE LEGAL & VALID A TAX BILL MADE IN THE TOWN OF HANOVER IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY SIX—

[Passed June 17, 1788. Original Acts, vol. 11, p. 22; recorded Acts, vol. 5, p. 427.]

Whereas the Select Men of said Hanover have petitioned this Court setting forth that in the year one thousand seven hundred & eighty six, said Town were considerably in Arrear for Taxes due to the State, that the Select Men of said Town for the time then being made out a Tax Bill for the sums on the Inventory of s<sup>d</sup> Town taken for said year, As the circumstances of said Town for Several years before that prevented regular Inventories from being taken—that said Bill was Committed to James March Collector to Collect the same. And praying that this Court would pass an Act to make said Bill Legal & Valid. The prayer of which petition appearing reasonable Therefore

Be it Enacted By the Senate and House of Representatives in General Court Convened. That the said Tax bill be and hereby is made Legal and Valid, and that the said Collector is as fully authorized and impowered to Collect the same, as if said Tax bill had been made pursuant to a requisition of the State for the then present Year. Any Law usage or Custom to the Contrary Notwithstanding

## [CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT DESCRIBING THE TENOR OF NOTES AND CERTIFICATES TO BE ISSUED BY THE TREASURER OF THIS STATE AND APPOINTING A COMMITTEE TO COUNTER SIGN SAID NOTES

[Passed June 18, 1788. Not found in Original Acts. Recorded Acts, vol. 5, p. 428. Laws, 1780 ed., p. 467; Perpetual Laws, 1789 ed., p. 221. See act of June 21, 1794.]

Whereas the General Court by a resolve passed the thirteenth day of February Anno Domini seventeen hundred and eighty eight directed the Treasurer of said State to issue Certificates for the Interest and fifteen p<sup>r</sup> Centum on the principal of Public securities of this State (if requested) and empowered him to issue new Notes for the balances due and issue Certificates for all Notes not exceeding three pounds after deducting the said

fifteen p<sup>r</sup> Cent, and whereas in and by said resolve there is no tenor prescribed for issuing said Notes and certificates, nor was there any committee appointed to Countersign the same.

Therefore be it enacted by the Senate and House of Representatives in General Court convened that the Treasurer be and he hereby is directed and empowered to issue Notes and Certificates agreeable to said resolve, that is to say Notes in the Tenor and form prescribed in an act of the General Court passed February twenty fourth one thousand seven hundred and eighty five, excepting as to the date of said Notes, which shall be July thirty first one thousand seven hundred and eighty eight and shall be signed by the Treasurer, And also Certificates of the following tenor viz.

Treasury Office }  
State of New Hampshire }

July 31<sup>st</sup>, 1788.—

I John Taylor Gilman, Treasurer of the State of New Hampshire do hereby certify that there is due from said State to

Lawful Money and the Several Constables and Collectors within this State, are hereby directed to receive this certificate in payment of all assessments and Taxes for the use of this State, which are payable in facilities and the same shall be so received by the Treasurer of this State. Witness my hand

Treasurer

Which certificates shall be signed by the Treasurer. And be it further enacted by the authority aforesaid that Dudley Odlin Joseph Pearson and Ephraim Robinson Esquires or any two of them are appointed a committee to countersign all and any Notes that may be issued by the Treasurer in consequence of the foregoing act.

Provided always that this act shall not be in force untill the thirty first day of July next.

## [CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE AND EMPOWER CERTAIN PERSONS CALLING THEMSELVES THE MASONIAN PROPRIETORS, WHO HAVE BY THEIR AGENTS PURCHASED OF THE STATE A RELEASE OF IT'S CLAIM TO CERTAIN LANDS HEREIN AFTER DESCRIBED TO RAISE LEVY AND COLLECT SUCH SUMS OF MONEY AS THEY MAY FIND IT NEEDFUL TO RAISE FOR CERTAIN PURPOSES THEREIN EXPRESSED, BY SALE OF THE SAID LANDS.

[Passed June 18, 1788. Original Acts, vol. 11, p. 23; recorded Acts, vol. 5, p. 429. Laws, 1780 ed., p. 469; Perpetual Laws, 1789 ed., p. 106.]

Whereas said Proprietors have by their Agents petitioned the General Court, representing, that at a legal meeting they appointed and empowered said Agents to settle in their behalf, their controversy with the State of New Hampshire respecting the title to the Lands between the curve line (so called) of Mason's Patent, and a straight Line lately run by order of the General Court. That said Agents have agreed upon a Settlement of said controversy, with said General Court, by which Settlement certain sums of money are to be secured and paid to said State, and said Proprietors are to have a release of all the State's Title to said Lands. That said Settlement has been, and still must be attended with the expence of considerable Sums of money on the part of said Proprietors, and that said Sums to be paid to the State as aforesaid, are yet to be raised, all of which ought to be paid by said Proprietors in proportion to their several and respective interests and estates in said Lands. But that there is a doubt whether said Lands (many of which are now holden by said Proprietors in severalty) can by the Laws now in force be effectually charged therewith; and said sums coercively collected by sale of the same; praying that clear powers and authorities may be granted them for that purpose; which prayer appearing reasonable; Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Proprietors shall have power, and they are hereby authorized and empowered, at any legal meeting, to agree upon and vote to raise such sum or sums of money, as they shall judge necessary then to be raised for defraying the said expences, and paying the sums to be paid to the State as aforesaid. And the whole interest and estate of each of said Proprietors in the Lands aforesaid, as well all that part reserved to, or holden by each one of them in severalty, as that part of said Estate which is held by each in common and undivided, not bona fide and for a valuable consideration sold and

conveyed, shall be liable to pay and stand charged with his part and proportion of any sum or sums of money which may be agreed upon, and voted to be raised as aforesaid. And the Assessors who shall be chosen to assess and proportion the same to and among the Proprietors shall proceed to do it according to the several and respective interest and estate of each Proprietor in the Lands aforesaid, and set such assessed proportion to each of said Proprietors, and commit a list thereof with a warrant or precept to such person as may or shall be chosen to collect the same; therein setting forth his duty agreeably to this Act, the time for compleating the collection, and to whom the money is to be paid. And such Collector shall, upon receiving the same, give notice of such assessment and of the place where the sums assessed will be received by him, by an advertisement published in the New Hampshire Gazette for three weeks Successively; and also that if payment shall not be made accordingly, that the money will be levied by sale of so much of any part of the Estate and Interest in said Lands either common and undivided, or severed, reserved or divided of any Proprietor who shall continue for the space of fourteen days after the last week of notice, to neglect payment as aforesaid: after which time the said Collector shall advertise for sale, so much of the said Lands common or severed, or both, of such delinquent or neglecting Proprietor as will pay the sum assessed on him as his proportion as aforesaid, and the reasonable incidental charges, by giving six weeks notice of such sale, by publishing the same in the News paper as aforesaid, and in case the neglecting or delinquent proprietor shall still neglect to pay said sum assessed to him as aforesaid with the incidental charges, both which he may pay at any time before the sale; then the said Collector, shall on the day appointed and advertised, proceed to make Sale at Public Auction, of so much of said delinquent Proprietor's said Land either held by him in common or in severalty, or both, as will pay said assessed Sum and the reasonable incidental charges as aforesaid. Provided the sale be made between the hours of ten of the Clock in the forenoon, and six of the clock in the afternoon. And the said Collector is hereby authorized and empowered to execute a good valid conveyance of all the estate and interest of such delinquent Proprietor in the Lands sold, to the purchaser or purchasers.

Provided nevertheless, and be it further enacted, that each Proprietor whose lands shall have been sold as aforesaid, his heirs or assigns, shall have the liberty of redeeming any of his lands sold as aforesaid, at any time within the term of two months after the sale thereof as aforesaid, he or she paying to the purchaser the full sum in money at which said land was sold, the interest thereof to the time of payment, and all reasonable charges.



And be it further enacted, that at all meetings of said Proprietors, each proprietor shall be admitted, and have a right to vote according to his or her interest, and all votes shall be computed accordingly.

Provided always that nothing in this Act shall extend, or be construed to extend to, or affect the title of any Lands, not included between the curve and straight Lines, therein mentioned and described.—

VOTES AND RESOLVES OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of  
New Hampshire.* }

In the House of Representatives, June 12, 1788.

Resolved that there be a Company of Light Horse raised in the twelfth regiment of foot commanded by Col<sup>o</sup> Daniel Rand and be annexed to Col<sup>o</sup> Phelps Regiment of Horse & that the field officers of said Regiment of horse be directed to nominate the Officers for said Company accordingly—

Senate concurred June 12, 1788.

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*State of  
New Hampshire.* }

In the House of Representatives, June 13, 1788.

Whereas it is inconvenient that the Inferior Court of Common Pleas for the County of Strafford should be holden on the third Tuesday of June current at Dover as is by Law established—Therefore Resolved that the said Court be and hereby is adjourned to the Second Tuesday of July next and that all business of the said Court be then proceeded upon as at the stated term, and that the Court of General Sessions of the Peace for said County of Strafford which was by Law to have been holden on the Thursday next following the third Tuesday of June current be and hereby is adjourned to the Thursday next following the said Second Tuesday of July next and all business before the said Court of General Sessions of the Peace be there proceeded upon as at the stated Term—

Senate concurred June 13, 1788.

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*State of  
New Hampshire.* }

In the House of Representatives, June 13, 1788.

Resolved that the Impost Officer within this state and his deputies be and hereby are directed to receive for Impost duties orders drawn by the President upon the Treasurer payable out of the Revenue arising from the Impost duties any former directions or regulations to the Contrary notwithstanding—

Senate concurred June 13, 1788.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, June 13, 1788.

Voted that this State agree to relinquish their claims to all the lands between the curve line (so called) of the Masonian patent and a straight line as run by the Committee employed by this state provided the Masonian Proprietors will pay to the state forty thousand Dollars in state Securities and eight hundred Dollars in Specie or give good security therefor—

Senate concurred June 13, 1788.

*State of* }  
*New Hampshire.* }

In Senate, June 17, 1788.

Whereas it is probable that the Season for the next annual Thanksgiving will arrive before the next Session of the General Court, which renders it necessary to rest a power in the Executive to issue a proclamation therefor.

Therefore, it is hereby Resolved by the Senate and House of Representatives in General Court convened that the President of said State with advice of Council be and hereby is empowered and directed to appoint and proclaim a General Thanksgiving throughout this State at the usual season therefor.

The House of Representatives concurred June 17, 1789, with this amendment, that said day be the last Thursday of November next.

Senate concurred in the amendment.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 17, 1788.

Resolved that the Court of General Sessions of the Peace for the County of Hillsborough be and they hereby are authorized and directed to discontinue and no further proceed upon a Bill or indictment now before the justices of the Same Court which was found against the Select men of Weare at September Term AD 1787 for not keeping and maintaining a Grammar school provided the said select men pay the cost which has already risen—

Senate concurred June 17, 1788.

*State of* }  
*New Hampshire.* }

In the House of Representatives. June 17, 1788.

Resolved that the Committee appointed to Examine Invalids continue to examine all such as may apply for examination within three months and that all persons who are intitled to the pension allowed by Congress and are unable to travel to Exeter to pass Examination upon obtaining a certificate of such inability from some noted Physician & Sending the Same to said Committee they are hereby empowered to

ascertain such disability either by depositions or otherwise which if satisfactory to them shall be as valid to all intents and purposes as a personal inspection and Six months shall be allowed for entering on the list the name of such Invalids as are unable personally to appear before the Committee—

Senate concurred June 17, 1788.

*State of  
New Hampshire.* }

In the House of Representatives, June 17, 1788.

Voted that his Excellency the President be desired with advice of Council to appoint some proper persons to inspect and examine the park of Artillery belonging to this state and obtain a proper return of the Cannon &c and that the Cap<sup>t</sup> General be empowered to give orders for the Commissary General to deliver over to Col<sup>o</sup> Samuel Hobart all such cannon as upon inspection may be found unfit for further use, the said Hobart to be accountable therefor—

Senate concurred, June 17, 1788.

[*Second Session, Held at Concord, November 5, 6, 7, 8, 10, 11, 12, 13, 1788.*]

## [CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION AND EXPLANATION OF AN ACT ENTITLED AN ACT FOR LAYING A TAX ON LANDS IN THE TOWN OF LANCASTER FOR REPAIRING ROADS AND BUILDING BRIDGES PASSED THE 12TH DAY OF FEBRUARY ANNO DOMINI 1788

[Passed November 10, 1788. Original Acts, vol. 11, p. 24; recorded Acts, vol. 5, p. 435.]

Whereas in and by said act the Selectmen of Lancaster are empowered to assess levy & collect, the present year two pence pr acre for every acre of land in said township—(public rights excepted) and one penny on each acre annually for three succeeding years but no method for enforcing the payment thereof is therein pointed out

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened,—that the said Selectmen or their successors in that office who have or shall assess the same taxes in the manner mentioned in the act aforesaid, are hereby empowered to levy and collect such taxes with incidental charges from time to time by sale of any delinquent owner or owner's land as shall be sufficient to discharge the same after giving six weeks notice of such assessment and also of the time and place of such in-

tended sale in the New Hampshire Gazette and the collectors of such taxes be and hereby are empowered to make good and valid conveyances of any such lands so sold saving the same time for the Redemption thereof as nonresident proprietors are by Law entitled to.—

[CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT IMPOWERING THE SELECTMEN OF NEW HAMPTON TO REVISE AND AMEND THE WARRANTS AND LISTS OF RATES FOR SAID TOWN, FOR THE YEAR 1787—

[Passed November 11, 1788. Original Acts, vol. 11, p. 25; recorded Acts, vol. 5, p. 436.]

Whereas the selectmen of New Hampton have petitioned the General Court setting forth that the rates and warrants for collecting said rates for said town of New Hampton for the year 1787 were inaccurately and illegally made, so that the collectors cannot legally distrein for said rates, and great injustice may be done unless the same should be revised & made right; and that the said town have voted that said petitioners (being selectmen for this present year) should petition the general court to enable them by a special Act, to new make said rates for said year 1787 by an invoice already taken or to be taken for the same year, and that the same collectors for said year 1787 who have already collected part of said tax might be authorised to finish the same when the said rates and warrants shall be set right. And the above prayer appearing reasonable—

Therefore,

Be it enacted by the Senate and House of Representatives in general court convened that the said present selectmen of New Hampton be, and hereby are, authorized and directed to revise, alter, amend and rectify the said warrants & lists of rates for said year 1787 in every part thereof; so that justice may be done: and to deliver the same back again so altered, amended & rectified to the same collectors respectively who had the same before, in order for them to compleat and finish the collection thereof: And the same Collectors respectively are hereby required, directed and authorized, to finish & compleat the collection of said lists of rates so amended and rectified in like manner as if the same had been made right at first.

## [CHAPTER 3.]

*State of  
New Hampshire.* }

## AN ACT TO PREVENT THE SPREADING OF THE SMALL POX IN THIS STATE

[Passed November 11, 1788. Original Acts, vol. 11, p. 26; recorded Acts, vol. 5, p. 437. See act of December 13, 1776, act of March 12, 1778 and act of January 17, 1782. Repealed by act of February 3, 1789.]

Whereas the Salutory Ends proposed by the Law of this State entitled an Act provided in Case of sickness are not Sufficiently answered thereby, but a further provision is found to be necessary; And whereas an Act passed January the seventeenth one thousand seven hundred and eighty two entitled an Act to prevent the spreading of the small Pox in this State being made Temporary is now expired.

Therefore

Be it Enacted by the Senate and House of Representatives in General Court Convened, That if any person without Licence first had and Obtained from the General Court of this State for the time being, or from the Major part of the Select Men, of the Town in which he or she dwells shall presume to Inoculate himself or herself or any other person with the small pox, or shall be Innoculated therefor each person so offending shall pay a fine of thirty pound Lawful money to be recovered by Bill plaint Information or Indictment of the Grand jury before the Superiour Court of Judicature within this State, the One half thereof to the use of the informer or prosecutor for the same, and the Other half to the use of the Town where such offence shall be Committed

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT FOR CARRYING INTO EFFECT AN ORDENENANCE OF CONGRESS OF THE 13<sup>TH</sup> SEP<sup>R</sup> LAST RELATIVE TO THE CONSTITUTION OF THE UNITED STATES

[Passed November 12, 1788. Original Acts, vol. 11, p. 27; recorded Acts, vol. 5, p. 432.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Inhabitants of the several towns & parishes plantations & places unincorporated in this State who are qualified to vote for state representatives shall assemble in their respective towns parishes or places on the third monday of December next to elect by ballet three persons having the qualifications required by the Constitution of the

United States to represent this State in Congress—And the Selectmen of the several towns parishes & places aforesaid shall give fifteen days notice of the design of s<sup>d</sup> meeting & shall during the Choice of Representatives preside at such meetings impartially and shall receive the votes of all the Inhabitants of such towns parishes & places present & qualified as aforesaid and shall sort and count the same in the meeting and in presence of the town Clerk who shall make a fair record in presence of the Select men & in open meeting of the name of every person voted for and the number of votes against, his name and a fair Copy of this record shall be attested by the Select men and Town Clerk and shall be sealed up and directed to the Secretary of this State with a Superscription expressing the purport thereof—And returned into the Secretary Office on or before the last Wednesday of December next who shall lay the same as soon as may be before the Senate & House of Representatives to be by them examined and in Case there shall appear to be any or the full number returned elected by a majority of Votes he or they so chosen shall be declared elected—but in Case there shall not be any or the whole number elected the General Court shall make out a list of such persons as have the highest Number of Votes equal to double the number of Representatives wanting And if in completing such list it shall so happen that two or more persons voted for shall have an equal number of Votes the names of such Persons shall be put into a Box And the secretary shall draw the Number wanting to complete such list—And the names of the persons contained in such list shall be transmitted to the Select men of the several towns parishes and places aforesaid who shall thereupon warn a meeting to be holden on the first monday of February next giving at least eight days notice & the Inhabitants of each town qualified as aforesaid shall out of such list give in their votes for the number of Representatives wanting And the Select men and the town Clerk as Aforesaid shall cause a record of the number of Votes against each mans name in such lists to be made & a Copy thereof Attested in manner Aforesaid to be transmitted to the Secretary's Office on or before the 20<sup>th</sup> of the same February And such Votes shall be examined by the President and Council for the time being or by such of them whose names are not contained in such list—And in Case it shall Appear to the General Court that the names of a Major part of the Council are on said list then the same shall be examined and counted by a Committee chosen by the General Court for that purpose And such number of the Candidates equal to the number of Representatives wanting as shall have the highest number of Votes shall be declared elected—And in Case it shall so happen by reason of an equality of Votes a Choice of the whole number or any part of the Representatives wanting cannot be declared the names of such Candidates shall

be put into a Box and the Secretary shall draw out the number wanting And the person or persons so drawn shall be declared elected. And the members chosen and declared as aforesaid shall be the Representatives of the State of New Hampshire in the Congress of the United States for the Term of two years from the first Wednesday of March next—And the Secretary Shall as soon as may be notify them of their Appointment—And each of the Representatives shall have a Certificate of their election under the Seal of the State Signed by the President and countersign'd by the Secretary—

And be it further enacted by the Authority Aforesaid that the Inhabitants of the several towns & parishes plantations And places unincorporated qualified as Aforesaid shall on the third Monday of December next in town meeting assembled give in their votes for five persons Inhabitants of this State who shall not be Continental Senators Representatives or persons holding offices of profit or trust under the United States to be the electors for this State which Votes shall be taken recorded sealed and transmitted to the Secretary's Office at the same time and in like manner as Votes for Representatives to the Congress of the United States as is by this Act required And the Secretary shall lay such Votes before the General Court to be counted and examined in the same manner as Votes for the representatives And the persons having a majority of Votes shall on the first Wednesday of January next be duly Appointed & declared elected And in Case it Shall so happen that the whole or any part of the number of electors are not chosen by the people then the General Court shall take a number of names out of the Candidates who have the highest number of Votes equal to double the number of electors wanting from which the Senate and House shall in such way and manner as may be by them agreed on proceed to appoint the Electors wanting—who shall be declared the Electors of this State for the President & vice President of the United States and notified to attend their duty as such—

And be it further enacted by the Authority aforesaid that if a Vacancy shall happen in either of said Cases they shall be filled up in manner Aforesaid—

And be it further enacted by the Authority aforesaid that it shall be the duty of the town Clerks in the several Towns parishes and places in this State to Cause the last mentioned Votes for Representatives to be returned into the Secretary's Office before the said twentieth of Feb<sup>y</sup> or delivered to the Sheriffs of their respective Counties on or before the 15<sup>th</sup> day of said month whose duty it Shall be to cause the same to be lodged in the Secretary's Office on or before the s<sup>d</sup> 20 Feb<sup>y</sup>. And the respective Sheriffs & Town Clerks shall be liable to the same pains and penalties for neglect of duty in this respect as they are by law in the Case of the Votes for President and Senators of this State

[*Third Session, Held at Exeter, December 24, 25, 26, 27, 29, 30, 31, 1788; January 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31; February 2, 3, 4, 5, 6, 7, 1789.*]

## [CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, INTITLED AN ACT TO LAY OUT AND CLEAR A HIGHWAY FROM BARNSTEAD TO NORTHWOOD IN THIS STATE PASSED FEBRUARY, THE SECOND ANNO DOMINI 1788—

[Passed December 30, 1788. Original Acts, vol. 11, p. 28; recorded Acts, vol. 5, p. 438. Laws, 1780 ed., p. 477.]

Whereas in and by said Act Jonathan Clark Esq<sup>r</sup> of Northwood, Richard Sinckler Esq<sup>r</sup> of Barnsted and Cap<sup>t</sup> Reuben Hill of Lee, were in and by said Act, they or any two of them, fully impowered to lay out by metes and bounds, a Highway four Rods wide in such a course as to them should appear most convenient from the main Country Road in said Northwood to the Province Road so called in Barnstead. And it appearing necessary that there should be an Addition to said Committee—

Therefore be it Enacted by the Senate and House of Representatives in General Assembly convened, that Colonel Thomas Stickney, Daniel Bedee and Samuel Chamberlain Esq<sup>rs</sup> be and hereby are Authorized to Join the said, Clark Sinckler, and Hill in laying out said Highway the whole Number or any four of them are to proceed in the same manner, as said Clark, Sinckler and Hill are in and by said Act Authorized—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT FOR ADMITTING JOHN POOR TO RETURN TO THIS STATE, AND FOR EXEMPTING HIM FROM ALL FURTHER PROSECUTIONS ON ACCOUNT OF A BILL OF INDICTMENT FOUND AGAINST HIM AT THE SUPERIOR COURT, HELD AT EXETER IN SEPTEMBER 1784, OR UPON THE RECOGNIZANCES GIVEN FOR HIS APPEARANCE AT SAID SUPERIOR COURT &<sup>c</sup>—

[Passed January 7, 1789. Original Acts, vol. 11, p. 29; recorded Acts, vol. 5, p. 438.]

Whereas Daniel Poor of Atkinson in the County of Rockingham in behalf of himself, his son John Poor, and Martha Folsom



Relict of Cap<sup>t</sup> John Folsom late of Stratham deceased has petitioned the General Court, sitting forth.—

That at the Superior Court held at Exeter in September 1784, the said John Poor was Indicted for being concern'd in making and passing counterfeit dollars, and that on a Capias issued by virtue of said presentment he was taken and Recognized to appear and answer at the same Court, but after his appearance at said Court, finding the popular rage too violent against him; and not being sufficiently versed in Law to know that his absconding wou'd be considered as an Evidence of his guilt, he inadvertently left the Court, and did not wait the event of a Tryal, by means of which his Recognizance was declared forfeited, and one hundred pounds paid to the State for his not appearing and answering according to his Recognizance.— That the said John fully convinced, though at too late a period of his fatal mistake has been ever since compelled to absent himself from this State to avoid a Judgment to which he has subjected himself by a premature and inconsiderate step, which though it rendered him by no means guilty of the fact charged upon him—yet furnished against him an evidence, which in contemplation of Law equalled at least one positive witness to prove the facts alledged in the Indictment, by means whereof four motherless children of the said John Poor were left without any protection or support by him, and have ever since been nursed and supported by the said Daniel Poor, and by the said Martha Folsom who has since become a widow, and having done even beyond her abilities in supporting the aforesaid children, as the children of her daughter the late wife of the said John Poor with the said Daniel Poor who is now advanced in years and far gone in the decline of life, most humbly supplicates the Honorable General Court; that the said John Poor (who is not only anxious of relieving his own Father and his wifes mother from the burthen of supporting his children but of having an opportunity of collecting of his effects to enable him to pay off his honest Creditors) may be permitted to return to this State, without being subjected to any further tryal or prosecution upon the said Indictment, or upon the Recognizance taken for his appearance, than what has already been had final Judgment obtained thereon and execution satisfied.—The prayer of which petition after due consideration appearing not injurious to the State and altogether just and reasonable respecting the said Daniel and Martha, as well as humane, generous and candid touching the said John Poor and his aforesaid children

Therefore be it enacted by the Senate and House of Representatives in General Court convened

That the said John Poor be and hereby is permitted to return to this State without being subject to any prosecution upon the aforesaid Indictment, or upon the Recognizance for his the said John Poors appearance to answer thereto.—

And the said John shall be and hereby is endemnified and forever exempted from any further Capias, prosecution or tryal upon or on account of the aforesaid Indictment, or the subject matter therein contained, so far as the same respects this State, and the said John Poor hereby is endemnified and fully discharged from all further fines, forfeitures and panalties thereon or respecting the same.—

Provided nevertheless that this Act shall not be construed or intended to barr any civil prosecution against the said Poor by any individual who may have been injured by him or by any of the matters alledged in the said Indictment any thing in this Act to the contrary thereof in any wise appertaining.—

### [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JOHN NEAL AND MARY NEAL BOTH OF LONDONDERRY IN THE COUNTY OF ROCKINGHAM IN THE STATE OF NEW HAMPSHIRE, ADMINISTRATORS OF THE ESTATE OF JOHN NEAL LATE OF SAID LONDONDERRY ESQUIRE DECEASED, TO COLLECT AND RECOVER THE EXCISE &c FROM THE SEVERAL INHABITANTS OF THE COUNTY OF HILLSBOROUGH IN SAID STATE AND OTHERS WHO HAVE SOLD SPIRITUOUS LIQUORS IN SAID COUNTY, BETWEEN THE FIRST DAY OF OCTOBER 1784 AND THE FIRST DAY OF OCTOBER 1787.—

[Passed January 9, 1789. Original Acts, vol. 11, p. 30; recorded Acts, vol. 5, p. 441.]

Whereas John Neal late of Londonderry Esquire deceased, purchased the excise on spirituous liquors sold in the said County of Hillsborough between the times above mentioned, and did not finish his collections of that kind before his death—in order therefore that his heirs shou'd reap the benefit of his said purchases

Be it enacted by the Senate and house of Representatives in General Court convened, that the said John Neal first mentioned and Mary Neal either or both . . . to collect and receive all the arrears of Excise now due in said County of Hillsborough, for the said years which the said deceased left, and to recover all fines and forfeitures incur'd by any person or persons whatsoever, within the said County in said term of time, as fully and amply to all intents and purposes as the said deceased cou'd or might do, if he were now living—

## [CHAPTER 4.]

*State of  
New Hampshire.* }

## AN ACT FOR TAXING LAND IN THE TOWN OF CROYDON—

[Passed January 10, 1789. Original Acts, vol. 11, p. 31; recorded Acts, vol. 5, p. 442.]

Whereas a Petition has been presented to this Court by the Inhabitants of the Township of Croydon in the County of Cheshire, shewing the necessity of Taxing the nonresidents Lands in said Township and praying that the Selectmen of said Town might be impowered to levy a tax of one penny per Acre annually on all the land in said township for the Term of four Years to be expended in making Roads and Bridges in said Town Which Petition & the prayer thereof appear in part reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court convened that the Selectmen of said Town of Croydon for the time being and their Successors in said Office, be and they hereby are impowered to Assess Levy & collect a Tax of one penny per Acre upon each & every Acre of Land annually in said Croydon for the term of three Years, and to apply said Taxes when raised to the purpose of making and repairing Roads and Bridges in said Town—

And Be it further enacted by the authority aforesaid that the Said Selectmen and their successors as aforesaid who shall assess the same taxes mentioned in this Act are hereby impowered to levy & collect such taxes with incidental charges from time to time by sale of any delinquent owner or owners part of land as shall be sufficient to discharge the same after giving six Weeks notice thereof, and also of the time and place of such intended sale in the New Hampshire Gazette—And the Collectors of such Taxes are hereby authorised to make good and valid conveyances of such lands, so sold saving the same time for redemption thereof as nonresident proprietors are by law intitled to—

And Be it further enacted by the authority aforesaid that the said Selectmen of Croydon shall give Bond to the Clerk of the Court of General Sessions of the peace in said County for the due appropriation and application of all monies & taxes that shall be assessed levied & collected by virtue of this Act—

Provided nevertheless that the nonresident owners or proprietors of land in said Township shall have liberty to pay their proportion of the assessments aforesaid, in work to be done on said Roads and Bridges between the first day of May & the last day of October annually; for which purpose they shall have two Months notice given them, the first year, by the Selectmen of said Town, either personally or by advertisement in one of

the New Hampshire News Papers, previous to the time in which said work is to be done—and that no higher price shall be charged for such Labour, than three shillings per day for an able bodied man finding his own diet—

[CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A  
FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN  
WILLIAM DANA, HIS HEIRS AND ASSIGNS

[Passed January 13, 1789. Original Acts, vol. 11, p. 32; recorded Acts, vol. 5, p. 443.]

Whereas the Select Men of Lebanon in the County of Grafton have petitioned this Legislature in behalf of William Dana, and of the Inhabitants of said Town of Lebanon. And praying that the exclusive right of keeping a Ferry over that part of said River lying against said Lebanon which extends from the mouth of white river and up the said river Connecticut to the lower Bar of white river falls (so called) The prayer of which petition appearing Reasonable—

Be it Therefore Enacted by the Senate and House of Representatives in General Court convened—That the Sale and exclusive Right and priviledge of keeping a Ferry over said Connecticut River in any place within the limits aforesaid Be and hereby is vested in the said William Dana, his Heirs and Assigns, he and they from time to time, as the same shall fall giving bond with surety to the Clerk of the General Sessions of the peace for said Grafton County that said Ferry shall be constantly attended and well kept—

And Be it further Enacted by the Authority aforesaid That if any person or persons shall for hire or reward transport over said River within the aforesaid limits any person creature or things, Such person so transporting shall forfeit and pay to said William his Heirs or Assigns the sum of forty shillings lawful money for each person creature or thing so transported—To be recovered by action of Debt before any Justice of the peace within said County—

## [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A  
FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN  
RICHARD YOUNG HIS HEIRS AND ASSIGNS

[Passed January 13, 1789. Original Acts, vol. II, p. 33; recorded Acts, vol. 5, p. 444.]

Whereas Richard Young of Piermont in the County of Grafton hath Petitioned the Gen<sup>l</sup> Court in behalf of himself praying that the exclusive right of keeping a Ferry over that part of said Connecticut River lying against said Piermont which extends from the Southerly line of a Ferry heretofore granted to Col<sup>o</sup> Azariah Weeb and down said River to the Northerly line of Orford—The prayer of which Petition appearing reasonable—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened—That the sole and exclusive right and privilege of keeping a Ferry over said Connecticut River in any place within the limits aforesaid Be and hereby is Vested in the said Richard Young his heirs and assigns,—he and they from time to time as the same shall fall giving Bond with surety to the Clerk of the General Sessions of the peace for said Grafton County that said Ferry shall be constantly attended and well kept—

And be it further Enacted by the authority aforesaid that if any person or persons shall for hire or reward transport over said River within the aforesaid Limits any person creature or thing, such person so transporting shall forfeit and pay to said Richard his heirs or assigns the sum of Forty shillings lawful Money for each person creature or thing so transported to be recovered by action of Debt before any Justice of the peace within said County

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORIZE AND EMPOWER THOMAS SHEAFE OF PORTSMOUTH MERCHANT, TO TAKE ADMINISTRATION ON THE ESTATE OF EDWARD BUTLER MARINER, AND ON THE ESTATE OF ELIZABETH BUTLER DECEASED, LATE WIFE OF THE SAID EDWARD.

[Passed January 15, 1789. Original Acts, vol. 11, p. 34; recorded Acts, vol. 5, p. 447.]

Whereas a Petition hath been presented to the General Court by Thomas Sheafe of Portsmouth Merchant, representing that Elizabeth Butler late of said Portsmouth deceased, had Liberty from the General Court to sell her Lands, and to recover any withholden from her, her coverture notwithstanding; her Husband Edward Butler having been long absent and not heard of. That She has left some real estate; but this cannot be distributed among her children (who need it,) nor her debts paid, unless administration be also taken out on the estate of the said Edward, who in all probability is also dead. That there is a considerable debt due to his estate, which is in danger of being lost to his family, unless some person be authorized speedily to pursue the demand; praying that the Petitioner being the largest Creditor of the said Edward, and having been the Attorney of the said Elizabeth and being also a Creditor, may be authorized to take out administration on both the Estates aforesaid, as the only Son of the said Elizabeth, who is of age, declines doing any thing in the matter: the prayer of which Petition appearing to be reasonable; Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Thomas Sheafe be, and he is hereby fully authorized and empowered to take out Letters of administration in the usual form of Law from the Judge of Probate of Wills and granting administration in the County of Rockingham, as well on the Estate of the said Edward Butler, as on the Estate of the said Elizabeth Butler, as though the said Edward had deceased in the same County;—Which several Letters of Administration the said Judge is to grant accordingly. And the said Thomas Sheafe, having received the same, shall be invested with all the powers and authorities, in all that Administrators have in other cases, & in the ordinary course of Law

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT FOR CONFIRMING TO JAMES SMITH OF DURHAM IN THE COUNTY OF STRAFFORD GEN<sup>T</sup> AND ELEANOR HIS WIFE IN HER RIGHT TWO HUNDRED & FORTY ACRES OF LAND IN ROCHESTER IN SAID COUNTY IN LIEU OF AN EQUAL QUANTITY OF LANDS DEVISED TO HER BY HER FATHER THOMAS WESTBROOK WALDRON LATE OF DOVER IN SAID COUNTY ESQUIRE DECEASED AND AFTERWARD CONVEYED BY SAID WALDRON FOR A LIKE QUANTITY OF ACRES IN THE SAME TOWN TAKEN IN EXCHANGE THEREFOR—

[Passed January 15, 1789. Original Acts, vol. 11, p. 35; recorded Acts, vol. 5, p. 445.]

Whereas The said James Smith and Eleanor his wife have Petitioned the General Court setting forth that the said Thomas Westbrook Waldron on the seventh day of August 1779 made his Last will & Testament in writing and in the disposal of his Estate among other things devised to the said Eleanor in fee the Lot numbred Eighty seven in Rochester in the County of Strafford, containing two hundred & forty Acres which the said Waldron a short time before his Death conveyed to one Daniel Hayes in exchange for the Lot numbred one hundred & Nine in the second Division in said Rochester containing an equal Quantity of Acres which the said Waldron left undisposed of at the time of his Death either through forgetfulness or upon a supposition that she might hold the Lands so taken in exchange by force of the will—And praying that the said Lot numbred One hundred & nine might be confirmed to her in Lieu of the said Lot numbred Eighty seven agreeably to the apparent Intent of the Testator—which petition after a full hearing appearing Just and Reasonable—

Therefore be it Enacted by the senate and House of Representatives in General Court convened That the said Lot numbred One hundred and Nine be and hereby is confirmed to the said James and Eleanor in as full and ample a manner as they might have held & enjoyed the said Lot numbred Eighty seven by virtue of the said Waldrons will provided the same had not been aliened or Exchanged by the said Waldron in his life time as aforesaid and they the said James and Eleanor & their heirs may hold occupy & Enjoy the same in the same Manner as though the same had been devised to the said Eleanor by the said Waldron in his Life time or as they might have held the said Lot numbred Eighty seven provided The said Waldron had Died after making his said will without having aliened or Exchanged the same; any Law usage or Custom to the contrary thereof in any wise notwithstanding

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE EXECUTORS OF THE LAST WILL AND TESTAMENT OF JONATHAN MOULTON LATE OF HAMPTON ESQ<sup>R</sup> DECEASED TO REDEEM CERTAIN LANDS MORTGAGED BY, AND TO DISCHARGE IN FULL AN OBLIGATION OF THE SAID JONATHAN

[Passed January 15, 1789. Original Acts, vol. 11, p. 36; recorded Acts, vol. 5, p. 448.]

Whereas Sarah Moulton and Thomas Leavitt Executors of the last Will and testament of the said Jonathan Moulton have petitioned the General Court setting forth that the said Jonathan on the fourteenth day of December Anno Domini 1774 mortgaged about Five Thousand Acres of Land in New Hampton in the county of Strafford and said State to Andrew Pepperill Sparhawk Esq<sup>r</sup> afterwards called Andrew Pepperill Esq<sup>r</sup> as collateral security for the Loan of One thousand pounds lawful money of Great-Britain; that the said Mortgage Deed is in full force unsatisfied and not discharged; that the said Jonathan relying upon the ample fortune be possessed afterwards sold with warranty divers parcels of this mortgaged Land, upon which large improvements have been made: That the purchasers with warranty if ousted by the Heirs of the said Sparhawk otherwise called Pepperill will recover damages against the estate of the said Jonathan to a much larger amount than the said Sum loaned and Interest. The petitioners did also set forth that the said Testator bargained with Jonathan Chase Freeze, George Freeze, and Joseph Freeze for a Lot or parcel of land in Falmouth in the county of Cumberland and commonwealth of Massachusetts—which the said Testator sold with Warranty before he had procured a Deed from the said Jonathan Chase Freeze of his part thereof: That the said lot of land by increase of commerce in said Town and the erection of buildings thereon has greatly increased in value. They therefore prayed that they might be empowered to pay the whole of the said sum loaned by the said Sparhawk otherwise Pepperill with Interest that may be now due and the whole sum with Interest which the said Jonathan Moulton agreed to pay to the said Jonathan Chase Freeze

Which appearing reasonable

Be it therefore Enacted by the Senate and House of Representatives in General Court convened that the said Sarah Moulton and Thomas Leavitt Executors as aforesaid be and they hereby are empowered to pay to the Executors Administrators or Assigns of the said Sparhawk otherwise called Pepperill



the whole of the said sum loaned by the said Sparhawk with Interest that may be now due for redemption of the said mortgaged land and they are hereby further empowered to pay to the said Jonathan Chase Freeze the whole sum with Interest which the said Jonathan Moulton agreed to pay him the Representation of Insolvency of the Estate of the said Jonathan Moulton notwithstanding—

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT FOR OPENING SLUICES IN EACH DAM—ACROSS ASHUELET RIVER SO THAT SALMON AND OTHER FISH MAY HAVE FREE PASSAGE THROUGH THE SAME FROM CONNECTICUT RIVER

[Passed January 15, 1789. Original Acts, vol. 11, p. 37; recorded Acts, vol. 5, p. 450. Laws, 1780 ed., p. 478; Laws, 1792 ed., p. 350. See act of February 6, 1789. Repealed June 16, 1794.]

Whereas Ashuelet River did formerly abound with Salmon, Trout, Shad, and other Fish passing thereinto from Connecticut River to the great benefit of the Inhabitants of Hinsdale, Winchester Swansey, and Keene, in the County of Cheshire—and—Whereas of late Years many Persons have built Dams across the said River for their own convenience some near the Mouth thereof and others higher up the stream so that the said Fish are Intirely hindered in their course up the said River Ashuelet—whereby the said Inhabitants and Others are greatly Injured—

For Remedy whereof—

Be it enacted by the Senate and House of Representatives in General Court convened—and by the Authority of the same that each and every Person having erected, or who may hereafter, Erect, Own, or Improve, any Dam whatsoever across any part of said Ashuelet River within the Towns aforesaid shall from and after the Tenth day of May to the Twentieth day of July in every Year from and after the Passing this Act keep a Sluice Open in each Dam to the End that said Fish may have a free and unmolested course through said River and in failure thereof every Person or Persons being Owner or Owners, Improver, or Improvers, of such Dam, or Dams as afore said Shall forfeit and pay for every such offence the sum of Ten Pounds, and be it further Enacted that it shall and may be Lawfull for the Inhabitants of each of the Towns following namely Hinsdale, Winchester, Swansey, and Keene, annually to make choise of a Committee consisting of Three Persons in each of the aforesaid Towns who shall be under Oath to Inspect and take care in each of said Towns that the said Sluices be properly and

duly opened and so kept during the afore said Term in said River Ashuelet and if any Owner, or Owners, Improver, or Improvers, of any Dam already erected or that shall hereafter be Erected across said River shall neglect or Refuse to open or keep open such Sluice as afore said to the Satisfaction of the Committee in the Town where the same shall be during the said Term then it shall and may be Lawfull for such Committee to Open the same and in case of being sued therefor may plead the general Issue and give the special matter in evidence and shall Recover double costs all penalties and forfeitures arising by this Act may be Recovered by Action, Bill, or Plaint, one half to the Use of the State the Other half to the Person Informing in any Court of Record within this State proper to try the Same

[CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER NATHAN ADAMS & JOANNA ADAMS TO SELL  
THE REAL ESTATE OF DIMON CREESY DECEASED—

[Passed January 15, 1789. Original Acts, vol. 11, p. 38; recorded Acts, vol. 5, p. 451.]

Whereas Nathan Adams and Joanna Adams have petitioned the General Court representing that Dimon Creesy late husband of the said Joanna did in the Year 1780 purchase a small farm in Londonderry in said State containing sixty Acres, and in about two Years after died, leaving one Child the only heir to said Estate, that the said Joanna was appointed Sole Administratrix of said Creesy's Estate, and that said Estate is so far distant from the said Nathan & Joanna, and the buildings so much out of repair, that the income of said farm is not sufficient to pay the Taxes and make the necessary repairs—And praying that they, or any other person, may be impowered to make sale of the same—which appearing reasonable—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened, & by the authority of the same that Nathan Adams and Joanna Adams be and they hereby are authorised and impowered to make Sale, at public Vendue, of the Estate aforesaid in such manner as they shall deem most for the benefit of said heir: and to make and execute good and valid deed or deeds of all the said Creesy's right, at the time of his decease, to said Estate, to the purchaser or purchasers; the said Nathan and Joanna first giving bond with sufficient sureties in an adequate sum to the Judge of Probate of Wills &c for the County of Rockingham in said State, to account, when call'd upon, to the heir aforesaid for the Monies arising from said Sale

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

## AN ACT TO MAKE VALID THE TITLE OF CERTAIN LANDS IN THE TOWN OF HANOVER—

[Passed January 17, 1789. Original Acts, vol. 11, p. 39; recorded Acts, vol. 5, p. 452.]

Whereas William Chandler, John Edwards, Samuel Slade, Joel Brown, Zenas Coleman, and Dier Hastings, all of Hanover in the County of Grafton have petitioned this Legislature setting forth; that Gideon Abbe late of Mansfield in the State of Connecticut (since deceased) Sold and conveyed by Deed to William Taylor of said Hanover about one thousand Acres of Land lying in said Hanover: And described in said Deed as follows Viz: The whole of the Original Rights of Land in said Hanover which was granted to Elijah Walcott, George March and Joshua Sherwine (excepting only the River Lotts drawn to each of the aforesaid Rights, and the second hundred Acre Lott drawn to the Right of the said Joshua Sherwine—That the said petitioners purchased of said William Taylor and of his Assigns, the most of said Lotts and parcels of Land—That said Taylor lodged said Deed with the Register of Deeds for said Grafton County which about three years ago was by said Register Delivered to Eldad Taylor unrecorded, That said Eldad at the same time left that part of the country and that said Taylor or the said petitioners have not since been able to recover said Deed

They Therefore pray this court to pass an Act making the Right and Title of said Lands as Good and Valid to said William Taylor and his Assigns as the same would have been if the aforesaid Deed was duly recorded in the Registers Office in said Grafton County, And the facts as set forth in said petition being proved and the prayer thereof appearing Reasonable

Therefore

Be it Enacted by the Senate and House of Representatives in General Court Convened That the Title of the several parcels of Land as described in the aforesaid Deed from said Gideon Abbe to said William Taylor, shall be as good valid and Effectual in Law to the said William Taylor and his assigns as if filed and Entered upon Record in the Registers office in said County at the time of passing this Act. Any Law Usage or Custom to the Contrary Notwithstanding—

## [CHAPTER 13.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE ROBERT WIRE TO HIS LAW—

[Passed January 17, 1789. Original Acts, vol. II, p. 40; recorded Acts, vol. 5, p. 454.]

Whereas the said Robert Wire Residing at Walpool in the County of Cheshire in said State Was Appellant in a Cause before the Superior Court of this State which sat at Haverhill in the County of Grafton in October last and one James Gould of Hannover in Said County was Appellee which Action was Call'd the first day of the Courts Sitting and Defaulted which Default the said Wires Counsell Could not Get taken off and the Said Wire pray<sup>d</sup> that he might have Leave to bring in a Bill to enable him to enter and Prosecute his s<sup>d</sup> appeal and have Tryal in the Same manner as if no Such Default had taken place—which prayer appearing reasonable Be it Therefore Enacted by the Senate and House of Representatives in General Court Convened That the Said Robert Wire Shall have Liberty to Reenter his Said appeal at the Next Superior Court Which is to set in the Said County of Grafton and have Tryal on the Merits of His Said Cause in the Same Manner as though he had not been Defaulted in Said Action, and that the Execution which has issued on the said Action in Consequence of such Default Shall not be Extended against the said Wire till after Judgement Shall be rendered Pursuant to the Tryal hereby Granted which Entry shall be made at the Next Superior Court to be held in Said County of Grafton but not afterwards—

And be it further Enacted that the s<sup>d</sup> Wire Shall Present or Cause to be presented to the said James Gould a Coppy of this Act at least thirty days before the Next Sitting of Said Court in the said County of Grafton.

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE AND IMPOWER THE PROPRIETORS OF RUMFORD ALIAS CONCORD TO COLLECT A CERTAIN TAX ASSESSED ON THE COMMON AND UNDIVIDED LANDS IN SAID RUMFORD AND ALSO ON CERTAIN DIVISIONS MENTIONED IN SAID ASSESSMENT, MADE THE 15<sup>TH</sup> DAY OF MARCH ANNO DOMINI 1773, AND COMMITTED TO TIMOTHY WALKER ESQ<sup>R</sup>

[Passed January 17, 1789. Original Acts, vol. 11, p. 41; recorded Acts, vol. 5, p. 455.]

Whereas Thomas Stickney hath Petitioned the General Court setting forth that the whole of the Town of Concord was Originally in the Year 1725 Granted by the late Province of Massachusetts Bay to certain Proprietors and Incorporated by the name of Rumford and in the year 1727—the greatest part of said Township was granted by the then Province of New Hampshire to Certain other Proprietors by the name of Bow, that the Right to the soil was disputed by the Proprietors on each side for upwards of twenty Years That in the Year 1771 they came to an agreement which was that the Proprietors of said Rumford should have the whole of said Township except one hundred and sixty two Acres of Land, which was to be laid out by them in some part of the Town, and the Proprietors of Rumford were to pay Ten pounds to said Proprietors of Bow for each hundred Acre Lot which was laid out by said Bow in said Rumford: Whereupon the said Petitioner with Andrew Mcmillan Esq<sup>r</sup> and one Abiel Chandler since deceased were Chosen a Committee by said Proprietors of Rumford to give security for said Ten pounds for each hundred Acre Lot as aforesaid, and receive a quit Claim Deed from a Committee of the Proprietors of Bow chosen for that purpose: Whereupon the said Petitioner with said Mcmillan and Chandler met the Committee of Bow received a quit Claim deed and gave a Bond upon Interest for the Ten pounds for each hundred Acre Lot—And in March 1773 at a Meeting of the Freeholders and Proprietors of said Township of Rumford, alias Concord, it was Voted to Assess the several divisions and the Common rights in said Township the sum of six hundred pounds, which sum at that time (it was supposed) would pay for each hundred Acre Lot and also sixty pounds Voted by said Proprietors and Freeholders to give the Masonian Proprietors for their pretended Right to part of said Land—Whereupon Benjamin Emery, Joseph Hall Jun<sup>r</sup> and John Chandler Jun<sup>r</sup> were Chosen Assessors and Timothy Walker Jun<sup>r</sup> was Chosen Collector, an Assessment was made and Committed

to the Collector, who collected near two thirds of said Assessment which was paid to said Proprietors of Bow but as it was doubtful whether said Collector could by Law compel any one to pay his Tax, and that the remainder still remained unpaid And praying that said Collector might be unable to finish collecting said Assessment, and that the said Proprietors of Rumford might be enabled to call a Legal meeting of said Proprietors and Vote what sum they should think necessary to discharge said Bond and Assess the several divisions and common rights in said Rumford alias Concord therefor in the same way and manner the former Assessment was made—Which Prayer appearing in part reasonable—

Therefore Be it enacted by the Senate and House of Representatives in General Court convened that the said Timothy Walker be and he hereby is fully authorized and Impowered to Collect the remainder of said Assessment, and in Collecting the same, he is to Observe and follow the Rules and Regulations laid down in an Act of this State passed the third day of July A D 1781 respecting Proprietors of Common and undivided Land and an Additional Act respecting the same passed the tenth day of November AD 1784—

[CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT FOR TAXING LAND IN THE TOWN OF BRADFORD.

[Passed January 20, 1789. Original Acts, vol. II, p. 42; Recorded Acts, vol. 5, p. 458.]

Whereas the Selectmen of said Bradford hath Petitioned the General Court setting fourth that the Inhabitants of said Town are few in Number and their roads very bad and Praying that a Tax of one penny per Acre might be laid on all the Lands in said Town Annually for the Term of three Years for the purpose of repairing the Same which prayer appearing reasonable in part. Therefore

Be it enacted by the Senate & House of Representatives in General Court Convened, that the Selectmen of s<sup>d</sup> Town of Bradford for the Time being and their Successors in said Office be and they hereby are impowered to Assess, Levy, & Collect a Tax of one penny per Acre upon each & every Acre of Land Annually in said Bradford for the Term of three Years, (except that part of said Town which was taken from the Township of Washington and to apply said Taxes when raised to the purpose of making and repairing roads & Bridges in said Town. And be it further enacted by the Authority aforesaid that the said Selectmen and their successors as aforesaid who shall assess the

same Taxes mentioned in this Act, are hereby impowered to Levy and Collect Such Taxes with Incidental Charges from time to time by Sale of so much of any Delinquent Owner or Owners Land as shall be Sufficient to Discharge the same after Giving six weeks notice thereof and also of the time and place of such Intended Sale in the New Hampshire Gazette And the Collectors of such Taxes are hereby Authorised to make good and valid conveyances of such Lands so sold Saving the same time for Redemption as is by Law Given when lands are Sold for State Taxes.

And be it further enacted by the Authority aforesaid That the said Select men of Bradford shall be accountable to the Clark of the Court of General Sessions of the Peace in the County of Hillsborough, for the Due Appropriation and application of all moneys & Taxes that shall be assessed, Levied, and Collected by virtue of this Act. Provided Nevertheless that the Nonresident owners or Proprietors of Land in said Town shall have liberty to pay their proportion of the assessments aforesaid in work to be done on said roads & Bridges between the first Day of may and the last Day of October Annually for which purpose they shall have two months notice Given them the first Year by the Selectmen of said Town either Personally or by Advertisement in one of the New-Hampshire News-Papers previous to the time the work is to be done, and that no higher price shall be allowed then three shilling per Day for an Able bodyed man finding his own Diet.

#### [CHAPTER 16.]

*State of  
New Hampshire.* }

#### AN ACT TO PRESERVE THE FISH IN PISCATAQUA RIVER, AND THE BRANCHES THEREOF.

[Passed January 20, 1789. Original Acts, vol. 11, p. 43; recorded Acts, vol. 5, p. 457. Laws, 1780 ed., p. 479; Perpetual Laws, 1789 ed., p. 143; Laws, 1792 ed., p. 351. See acts of April 16, 1770, June 2, 1772, May 28, 1773, and January 20, 1781.]

Whereas the fishing in Piscataqua River & in the harbour near the mouth of said river, with setting lines and seines hath already in a great measure obstructed and turned the course of the Cod fish in said river, and the fishing for Bass and blue fish in winter hath almost destroyed the bass and blue fish in said river and the branches thereof so that these useful fisheries, are in imminent danger of being lost unless prevented by an Act of the General Court.

Therefore be it enacted by the Senate and House of Representatives in General Court convened, That from and after

the making of this Act no person shall be allowed to fish in the said river, or harbour, or any of the branches thereof within this State where the tide ebbs and flows, with any sein or setting line for any fish whatsoever excepting Smelts & Shad and no Person shall by any way or means whatsoever catch kill, or destroy any bass or blue fish in said river, or the branches aforesaid from the first day of December to the first of April annually on pain, that any and every person offending in any of the particulars aforesaid shall forfeit and pay for every such Offence the sum of two Pounds, to be recovered by Action or Information, before any Justice of the Peace, within the county where the Offence may be committed, one half to the use of the State, the other half to the informer, and any Person, or Persons are hereby authorized to destroy any sein or setting lines, or Nets set for fishing in said river or the branches thereof excepting those used for catching smelts & Shad, and in case of being sued therefor may plead the general issue, and give the special matter in evidence, and shall recover double costs; and whosoever shall knowingly sell or buy any bass, blue fish or codfish taken contrary to this Act shall forfeit ten shillings, to be recovered by action, or information before a Justice of the Peace for the use of the informer, allowing an appeal from any such Judgment as the law in other cases directs.

### [CHAPTER 17.]

*State of  
New Hampshire.* }

#### AN ACT EMPOWERING CERTAIN PERSONS TO SET OFF THE DOWER OF SARAH MOULTON WIDOW IN THE ESTATE OF HER LATE HUSBAND JONATHAN MOULTON ESQUIRE DECEASED

[Passed January 20, 1789. Original Acts, vol. 11, p. 44; recorded Acts, vol. 5, p. 459.]

Whereas Sarah Moulton of Hampton in the county of Rockingham Widow relict of Jonathan Moulton late of said Hampton Esquire deceased has petitioned the General Court setting forth that the said Jonathan died seized of a considerable real estate lying partly in each of the counties in this state, in which she is entitled to Dower, which she wished might be set off and assigned to her; but by reason of the estate being situated in different Counties, the Judge of Probate for the county of Rockingham did not conceive himself authorised to appoint the same Committee to set off her Dower in the several counties and appointed Simon Wiggin Jonathan Robinson and Moses Leavitt Esquires, Samuel Jenness and Joseph Cram yeomen a Committee for setting off the same in the county of Rockingham



and that a Committee for doing the same in each county will be inconvenient expensive and injurious. Therefore she prayed that the aforesaid Committee might be empowered to proceed and make a division in the several Counties and set off her Dower in the whole estate in such a manner as will best accommodate her and be least injurious to the said Estate, and also empower the said Judge of Probate to receive and record the report that shall be made by the said Committee and assign to her the Dower so set off

Which appearing reasonable

Be it therefore Enacted by the Senate and House of Representatives in General Court convened That Simon Wiggim, Jonathan Robinson and Moses Leavitt Esquires, Samuel Leavitt and Joseph Cram Yeomen be and they hereby are empowered as a Committee to set off the Dower that shall happen to the said Sarah in the Estate of the said Moulton of which he died seized within the several counties in this state and that the report of the said Committee or major part of them returned and recorded in the Office of the Judge of Probate for the county of Rockingham shall be good and valid as if all the real estate of the said Jonathan Moulton was situated in the said county of Rockingham—

#### [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE DAVID PAGE ESQUIRE TO COLLECT CERTAIN TAXES FOR THE PROPRIETORS OF CONWAY, COMMITTED TO HIM TO COLLECT BEFORE THE LATE REVOLUTION—

[Passed January 21, 1789. Original Acts, vol. 11, p. 45; recorded Acts, vol. 5, p. 461.]

Whereas David Page Esquire has petitioned the General Court setting forth that he was a Collector of Taxes for the proprietors of Conway then in the County of Grafton, but now in the County of Strafford in said State, before the late revolution, and had not opportunity to compleat his collection before said revolution took place—That the law of the then Province respecting proprietors affairs, being temporary expired before said Petitioner could compleat his said collection, & praying that an Act may pass to enable him to compleat said collection in as full and ample a manner as he might have done by the former Law—The prayer of which Petition appearing reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court convened, and by the authority

of the same that the said David Page be & he hereby is fully authorised and impowered to collect all the Taxes assessed by the proprietors of Conway, & committed to him to collect previous to the late revolution, in as full and ample a manner as he might then lawfully have done.

And Be it further Enacted by the authority aforesaid that in case any owner or owners of lands in said Conway taxed as aforesaid, shall neglect or refuse to pay the same Taxes, so assessed, to the said David Page that he shall make sale at Public Vendue of so much of each Proprietors share of Land in said Conway as will pay said Taxes with the reasonable incidental charges—giving such notice, & proceeding in every respect as Collectors are bound to do in and by an Act of the General Court made & passed July the third Anno Domini 1781, and an Additional Act passed November 10th 1784—

### [CHAPTER 19.]

*State of  
New Hampshire.* }

#### AN ACT FOR TAXING THE LANDS IN THE TOWN OF SUTTON

[Passed January 21, 1789. Original Acts, vol. 11, p. 46; recorded Acts, vol. 5, p. 462.]

Whereas the Select men of said Sutton have petitioned the General Court setting forth that the Inhabitants of said Town are few in Number and the public roads leading through said Town are very bad and stand in great need of repair and praying that an annual tax of one penny  $\frac{7}{8}$  acre may be laid on the lands in said Town for the Term of four years for the purpose of repairing the roads in said Sutton—which prayer appearing reasonable in part—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the Selectmen of said Sutton for the time being and their Successors in said Office be and they hereby are empowered to Assess levy and collect a tax of one penny  $\frac{7}{8}$  acre upon each and every acre of land in said Sutton annually for the Term of three years and to apply said Taxes when raised to the purpose of repairing the roads in said Sutton

And be it further enacted by the Authority aforesaid that the said Select men And their Successors who shall assess the said Taxes are hereby empowered to levy and collect such Taxes with incidental Charges from time to time by sale of so much of any delinquent Owner's land as shall be sufficient to discharge the same after giving six Weeks notice thereof and also of the time and place of such intended Sale in the New Hampshire

Gazette—And the Collectors of such Taxes are on default of payment authorized and empowered to make good and valid conveyance of the lands so sold Saving the same time for redemption as is by law given when lands are sold for State Taxes And be it further enacted by the Authority aforesaid that the Select men of said Sutton shall give Bond to the Clerk of the Court of General Sessions of the peace for the County of Hillsborough for the due appropriation and application of all Taxes that shall be assessed levied and collected by virtue of this Act

Provided Nevertheless that the nonresident owners or proprietors of land in Said Sutton shall have liberty to pay their proportion of the Assessments aforesaid in labour to be done on said roads between the first day of may and the last day of October annually for which purpose they shall have two months notice given them the first year by the Select men of said Town of Sutton either personally or by advertisement in one of the New Hampshire News papers previous to the time when the said Work is to be done and that no higher price shall be allowed than three Shillings 7<sup>d</sup> day for an able bodied man finding his own diet—

#### [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENABLE SOLOMAN HUTCHINSON OF MERRYMAC TO HAVE A REHEARING OF THE CAUSE BETWEEN HIM AND ONE JESSE MARSHALL OF WESTFORD

[Passed January 22, 1789. Original Acts, vol. 11, p. 47; recorded Acts, vol. 5, p. 463.]

Whereas the said Jesse Marshall com'enced a Suit against the said Soloman Hutchinson for a certain demand, before the Inferior Court for the County of Hillsborough Which Cause was then Committed to Referance and All demands between the said parties to be determin'd by Samuel Spaulding Oliver Farwell and Daniel Starnes, who accordingly Convein'd the said parties and heard them on all Matters of diffarence between them and made report to the Inferior Court of Said County which sat at Amherst last September which report the said Hutchinson conceiv'd to be Injurious to him he therefore Petitioned for relief in the Premises and it appearing reasonable he Should have redress

Therefore Be it enacted, by the senate & House of Representatives in General Court Conven'd that the said Soloman Hutchinson shall within ten days next after the passing this Act present or cause to be presented to the said Samuel Spaulding a

Copie of the same who shall as Soon as may be Appoint a time and place of again hearing the said parties on the said cause and Shall give or cause to be given due notice to the other Referees in the said Cause of Such hearing, And also to the s<sup>d</sup> parties duly to Attend the same, at which time and place the said Referees shall hear the said parties on the said cause and report their Opinion thereon to the next Inferior Court to be held in Said County but Should but one of the said parties Attend such hearing after being duly notified the said Referees shall then proceed to hear the party present as if both had Attended and report accordinly—But if the said Samuel Spaulding shall neglect or refuse to appoint Such hearing or that the other referees will not Attend the same that then and in Such case the said Soloman Hutchinson shall have liberty to appear at the Inferior Court to be held within and for the said County the second tuesday of June next and the Clerk of Said Court shall then bring forward the Said Action in his Book (without the Cost of an Entry) and the Said Soloman Hutchinson Shall be Allow'd to plead to the Demand in the Same manner as if the said Cause had not been under reference—And no further proceedings shall be had on the former report of the said Referees in the Said Cause till after the said Second tuesday of June Next, neither shall it be put in Execution afterwards against the said Hutchinson unless he shall fail of appearing at Said Court and pleading to the said Action According to the Liberty given in and by this Act—

## [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN PARKER STEVENS OF PIERMONT HIS HEIRS AND ASSIGNS—

[Passed January 23, 1789. Original Acts, vol. 11, p. 48; recorded Acts, vol. 5, p. 465.]

Whereas the said Parker Stevens hath Petitioned the General Court setting forth that there is great need of a ferry over said river near his dwelling house in said Piermont that he has a convenient place for keeping said ferry & that said ferry would be of great advantage to the public and prayed that he might have the exclusive priviledge extending up said River as far as Haverhill line and down said river as far as to the ferry granted to Col<sup>o</sup> Azariah Webb of said Piermont (containing in extent about two miles) which representation appearing just and the prayer thereof reasonable—

Therefore

Be it Enacted by the Senate and house of Representatives in General Court convened that the Sole and exclusive right of keeping a ferry over said River in any place between said Haverhill line and the ferry granted said Webb be and hereby is granted to and vested in him the said Parker Stevens his heirs and Assigns he and they from time to time as the case may require giving bond with Surety in the Sum of one hundred pounds to the clerk of the Court of General Sessions of the peace for the County of Grafton that the said ferry shall be constantly attended and well kept—

And be it further enacted that if any other person or persons not authorized by the said Stevens his heirs or assigns shall for hire or reward transport over said river within the limits aforesaid any person creature or thing such person so transporting shall forfeit & pay to the said Parker Stevens his heirs or Assigns the sum of forty shillings for each person creature or thing so transported to be recover'd by action of debt before any justice of the peace within the said County—

## [CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT EMPOWERING CERTAIN PERSONS THEREIN NAMED TO ACT FOR & IN BEHALF OF A PERSON NON COMPOS MENTIS AND THREE MINORS, TO WHOM THEY ARE GUARDIANS—

[Passed January 23, 1789. Original Acts, vol. II, p. 49; recorded Acts, vol. 5, p. 466.]

Whereas Ephraim Robinson Dudley Odlin & Nathaniel Gilman Esquires have petitioned the General Court setting forth that the said Ephraim is Guardian to Mehitable Giddinge who is non compos mentis & Daugheter to the honourable Peter Gilman Esq<sup>r</sup> deceased that the said Dudley & Nathaniel are Guardians to three Minors, Grand Children to the said Peter Gilman—that a proposal has been made to the Heirs by the Widow of said deceas'd upon the payment of a sum agreed on to relinquish her right of dower in the Estate of said deceased—which they conceive would if carried into effect be greatly advantageous to the Heirs of said Estate & to which all who are capable of acting have given their consent—they therefore prayed that they might be authorised & empowered on the part of the said non compos mentis & Minors to agree to said proposals and to charge their several proportions of the sum to be paid as aforesaid to them—

which prayer appearing reasonable

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said Ephraim Robinson Dudley Odlin & Nathaniel Gilman be & they hereby are empowered on the part of the said non compos & the said Minors to whom they are Guardians as aforesaid to agree to said proposals & to secure the payment of the sum agreed on to the said Widow & on settlement of their Guardian Accounts shall & may charge their Wards with their just proportion of the said sum with Interest therefor.

[CHAPTER 23.]

*State of  
New Hampshire.* }

AN ACT TO SET OFF AND INCORPORATE A NUMBER OF INHABITANTS LIVING IN THE NORTHERLY PART OF AMHERST WITH A NUMBER OF OTHER INHABITANTS IN SAID TOWN BY CERTAIN LINES INTO A PARRISH

[Passed January 24, 1789. Original Acts, vol. 11, p. 50; recorded Acts, vol. 5, p. 467. See act of June 30, 1781. See additional act of January 25, 1791.]

Whereas by an act pass'd in the year of our Lord one Thousand seven hundred and eighty one a number of inhabitants, living in the northwest part of Said Town were erected into a Parrish, and invested with certain previledges, as in the said act is particularly mentioned and Set forth

And Whereas a certain petition hath been presented to this Court Signed by James Ray Jacob Curtice Jun<sup>r</sup> and Forty other persons, inhabitants of Said Town, setting forth among other things, that they laboured under great disadvantages on account of their great distance, in a road rough and uneven from Amherst first Parrish meeting house, and that they could much better be accomodated by being Join'd to the Second Parrish than to remain to the first—

And Whereas another Petition hath been Presented to this Court Sign'd by Oliver Carlton James Woodbury and Forty four other persons praying that they might be set off as a Parrish by certain lines which lines will include the Forty two Petitioners, last mentioned, a day of hearing having been had on both said petitions & the prayers thereof appearing reasonable

Therefore be it enacted, by the Senate and house of Representatives in General Court Convein'd, That all the persons, who do now or shall hereafter inhabit within the lines and boundaries Mentioned in both said petitions to-wit Beginning at the northwest corner bounds of the Town of Amherst, Thence runing southerly on the west line of said Town of Amherst

about four miles and an half to the Southwest corner of the lot of land Joseph Dunkle formerly liv'd on, Thence easterly on the line between Deacon Elisha Hutchinson and Richard Goulds land about two miles to the southeast corner of the lot of Land Amos Green now lives on, Thence runing northerly on a Streight line about one mile and an half to the Crotch of the roads between Lieu<sup>t</sup> William Bradfords and Samuel Wilkins Esqs Thence more easterly on a direct line about three quarters of a mile to the Southeasterly corner of Benjamin Pike jun<sup>rs</sup> land, from Thence on a direct line to the east line of Henry Spauldings Lot and so continuing its course about two miles and three quarters to new Boston, line from thence runing westerly on the Town line Between Amherst and New Boston to the first mentioned Bounds—Shall be and hereby are erected into a Separate and distinct Parrish, by the name of the Second Parrish, in Amherst, and all persons inhabiting within the lines afores<sup>d</sup> Shall be hereafter considered as belonging to the said Second Parrish, in Said Amherst and Shall be entitled to all the priviledges benefits immunities and exemptions which any other parrish within the said State does hold and enjoye—and those persons who now or Hereafter Shall reside on the land above bounded and described, Shall meet Join congregate Vote and Act in All Parrish matters equally with those who now or hereafter Shall Compose the Said Second Parrish in All respects as if they had been particularly mentioned in the Act making them a Parrish, and the persons who now, or hereafter Shall inhabit within the lines aforesaid are hereby Seperated Exonerated and discharged from paying any taxes and Charges towards the Suport of the Gospel Ministry and public worship in said first Parrish which Shall Accrew and Arise from and after the day of the passing this act—

Provided nevertheless—That if any person or persons living within the lines and boundaries above mentioned shall within twelve months next after the passing this Act Respectively Apply to the Town Clerk of Said Amherst for the time being and Shall then Signify a desire to be of the first Parrish in Amherst, such Person and persons so giving in their names shall be considered members of the said First Parrish any thing herein Contain'd to the Contrary Thereof in any wise notwithstanding—

## [CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE HONBLE HENRY KNOX ESQR AGENT APPOINTED BY THE STATE OF MASSACHUSETTS ON THE ESTATE OF THE LATE THOMAS FLUCKER ESQR DECEASED, AND ISAAC WINSLOW MERCHANT EXECUTOR OF THE LAST WILL OF ISAAC WINSLOW LATE OF THE SAME STATE ESQR DECEASED, TO EXECUTE DEEDS OF CERTAIN LANDS IN NOTTINGHAM WEST.

[Passed January 24, 1789. Original Acts, vol. 11, p. 51; recorded Acts, vol. 5, p. 469. See act of June 16, 1802.]

Whereas the said Henry Knox and Isaac Winslow have petitioned the General Court, setting forth that the Persons whom they the Petitioners represent, did make written agreements with Thomas Caldwell, Ephraim Cummings and others to sell & convey to them certain Lands in said Nottingham West, and received part of the purchase money; and that said Purchasers suffer for want of proper Deeds, which the said Petitioners have not present legal power to give; praying that they may be empowered to give good and legal Deeds of said Lands, the prayer of which Petition on hearing & consideration thereof appearing reasonable; therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that the said Henry Knox and Isaac Winslow be, and they hereby are, fully authorized and empowered respectively in their several capacities aforesaid, to make and execute good and legal Deeds with warranty of the Lands sold and paid for in part as aforesaid, to the Executor or Executors of the said Caldwell, (who is deceased) or to his heirs; to the said Cummings, and to Thomas Warson, with whom agreements were made as aforesaid, and to any other person or persons with whom similar agreements were made by the said Thomas and Isaac deceased, or either of them for Lands in said Nottingham West; they the said Henry and Isaac being considered as accountable for whatever sums they may receive for said Lands for the purposes of their several Trusts.—



## [CHAPTER 25.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE JOSEPH HICKS ESQR TO HIS LAW.

[Passed January 27, 1789. Original Acts, vol. 11, p. 52; recorded Acts, vol. 5, p. 470.]

Whereas Joseph Hicks of Madbury in the County of Strafford Esq<sup>r</sup> hath petitioned this Court shewing that he recovered a Judgment against Andrew Chesley of Nottingham in the County of Rockingham Husbandman, at the Inferior Court of Common pleas for said County of Strafford on the third Tuesday of November A 1787 for the Sum of five pounds debt or damage and one pound fourteen Shillings & six pence Cost of Court—from which Judgment the said Andrew appealed to the Superior Court of Judicature to be holden at Dover aforesaid on the third Tuesday of April then next, but failed to prosecute his Appeal, and the said Hicks has lost his Term allowed by Law to file his Complaint for Affirmation of said Judgment and hath prayed for Relief in this Behalf—which prayer appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court convened that the said Hicks be, and he hereby is empowered to file his said Complaint at the next Superior Court of Judicature to be holden at said town on the third Tuesday of April next for affirmation of his said Judgment, unless the said Chesley shall then and there enter his said Appeal, which he is hereby authorized to do, and the Justices of said Superior Court are fully authorised to hear and determine the said Cause in the same Manner as it might have been heard and determined at the said Superior Court in April last to which the said Appeal lay—provided nevertheless that the said Hicks shall leave an attested copy of this Act at the Dwelling house of the said Chesley fourteen days at least prior to the said third tuesday of April next & produce A certificate to said Superior Court that he has so done

## [CHAPTER 26.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE NATHANIEL MESERVE OF BARNSTEAD IN THE COUNTY OF STRAFFORD TO REVIEW AT THE NEXT SUPERIOR COURT OF JUDICATURE TO BE HOLDEN IN SAID COUNTY AN ACTION HERETOFORE BROUGHT BY SAID MESERVE AGAINST ONE BENJAMIN HILL—

[Passed January 27, 1915. Original Acts, vol. 11, p. 53; recorded Acts, vol. 5, p. 471.]

Whereas Nathaniel Meserve petitioned this Court, setting forth, that on the ninth day of February A. D. 1770, one Benjamin Hill of Madbury gave the said Meserve a promissory note of hand, for the sum of Nineteen pounds, eighteen Shillings & four pence two farthings payable on demand with interest—that afterwards the said Hill made a payment of Seven pounds sixteen shillings, for which payment the Petitioner signed a receipt written by said Hill & mentioning on account of a Note, and that afterwards on the twenty eighth day of June 1771 the remainder of said note being due and, unpaid, he sued out a Writ of Attachment, which was duly served, returned, & entered at the next Court of Common pleas, holden at Exeter on the last Tuesday of July then next, & the cause continued to November term next following, when & where the said Hill appeared & produced a receipt for the Sum of Seventeen pounds sixteen shillings, & for so much pleaded payment, and as to the residue being the Sum of three pounds pleaded a tender & proffer of the money in Court, upon which issue was joined, & the cause committed to a Jury, who returned their Verdict upon Oath & said the Jury find for the Plaintiff the sum of three pounds—and Costs of Court for the Defendant—from which Judgment, the Petitioner Appealed to the next Superior Court of Judicature where he entered his Appeal and the Cause was again committed to a Jury who returned their Verdict for the said Hill costs of Courts; And judgment was rendered by said Court for Costs, taxed at Eight Pounds two Shillings & two pence, which sum the petitioner was compelled to pay, and that not being then possessed of any Evidence to shew that receipt had been altered by said Hill from Seven to Seventeen pounds, did not review said Action within the time prescribed by Law for that purpose—that the Petitioner has it now in his power fully to shew that said Hill actually did alter said receipt from Seven to Seventeen pounds and that the said Hill has frequently boasted of the same. Wherefore he prayed that an Act might pass the honorable Legislature in his favor, empowering him to

review said Action at the next Superior Court of Judicature in the County of Strafford, that he might have an opportunity of shewing the fraud & thereby be restored to all he had lost & suffered in consequence of said Alteration—The prayer of which Petition upon a full hearing appearing reasonable—

Be it therefore Enacted by the Senate & House of Representatives in General Court convened, That the said Nathaniel Meserve be, & he hereby is empowered to bring forward a Writ of Review upon said Action at the next Superior Court of Judicature to be holden at Dover within & for the County of Strafford on the third Tuesday of April next. & the Judges of said Court are hereby fully empowered to hear & determine said Action as fully & clearly as they might have done, had the same been reviewed within the time prescribed by Law Any Law Usage or Custom to the contrary Notwithstanding—

### [CHAPTER 27.]

*State of  
New Hampshire.* }

#### AN ACT TO RESTORE SAMUEL FIFIELD TO HIS LAW.

[Passed January 27, 1789. Original Acts, vol. 11, p. 54; recorded Acts, vol. 5, p. 473.]

Whereas Samuel Fifield hath petitioned the General Court setting forth that an action was commenced against him at the Inferior Court of Common Pleas held at Portsmouth in & for the County of Rockingham on the fourth tuesday of May last in the name of the Reverend Benjamin Thursten on a note of hand purporting to have been signed by the said Fifield wherein he promised one William Rowell to pay him or his Order One Hundred and seventy three pounds lawful money and interest—That at the same Court judgment was rendered against the said Fifield for Two hundred & one pound one shilling debt or damage and cost (said note having been before that time indorsed by the said Rowell to the said Thursten)—That the said Fifield declared he never saw said note till after the rendition of said judgment—That he was unable to attend said Court in season & was therefore defaulted—& praying to be restored to his Law—The prayer of said petition appearing reasonable and the said Thursten and Rowell consenting

Therefore

Be it Enacted by the Senate & House of Representatives in general court convened That the said Judgment execution & all proceedings on the same be, and they hereby are rendered null & void to all intents and purposes—And that the said Fifield be and he hereby is authorized & empowered to re-enter said action

at the next Inferior Court of Common Pleas to be holden at Portsmouth in & for said County of Rockingham on the first tuesday of March next by adjournment and defend the said action in every stage of it through the course of the law as fully and amply as he might have done in case the said default and judgment had not taken place as aforesaid any law usage or custom to the contrary notwithstanding—provided always that the said Fifield shall not ask for a continuance in said action either at the next Inferior Court in March nor at the next Superior Court in April—And provided also that the attachment made by virtue of the original writ in favour of said Thursten against the said Fifield remain in full force and virtue untill the final decision of said action in said Courts of Law is had

And be it further enacted That if the said Fifield shall neglect or refuse to re-enter his said action at said next Inferior Court of Common Pleas to be holden at Portsmouth then this act shall be null & void and the former judgment obtained by the said Thursten against the said Fifield & the subsequent proceedings thereon shall remain in full force any thing in this act to the contrary notwithstanding.

#### [CHAPTER 28.]

*State of  
New Hampshire.* }

#### AN ACT TO NULLIFY AND MAKE VOID A JUDGMENT OF COURT OBTAINED BY BRADBURY CILLEY AGAINST ZEBULON EDGARLY—

[Passed January 27, 1789. Original Acts, vol. 11, p. 55; recorded Acts, vol. 5, p. 474.]

Whereas Zebulon Edgarly of Epping in the county of Rockingham Gentleman hath petitioned the General Court shewing That on the twentieth day of October last Bradbury Cilley of Nottingham in said County Esq<sup>r</sup> purchased a writ of summons against the said Edgarly to appear at the Inferior Court of Common Pleas to be holden at Exeter in & for the County of Rockingham on the first tuesday of November then next to answer to the said Cilley in an Action of Ejectment wherein he demanded against the said Edgarly a messuage and about seventy acres of land in said Epping being the homestead of the said Edgarly—That on the same twentieth day of October one Levi Chapman a deputy sheriff made return on said writ that “Pursuant to the said precept he had summoned the said Edgarly by leaving an attested copy of the same at the last & usual place of his abode”—That at said Court the said action was entered & the said Edgarly defaulted and judgment entered for the said Cilley to recover possession of the premises sued for and cost—That by

reason of the Collusion of the said Deputy or by some accident neither the said Edgarly nor any of his family ever saw the said attested copy nor had any notice of the said suit untill sometime after the rising of the said Court the said Cilley & the said Deputy came to the said Edgarly with a writ of possession and required him voluntarily to surrender the premises in order to save the cost of the service of the same writ which being refused the said Edgarly has since been ejected by the said Deputy & the said Cilley put in possession That had the said Edgarly known of the said suit he could & should have given abundant reasons why the said Cilley should not have recovered the possession of the premises sued for—And the said Edgarly having prayed that the said judgment & the subsequent proceedings thereon might be annulled or that he might otherwise be restored to the benefit of the law which prayer appearing reasonable & the s<sup>d</sup> Cilley consenting to the same—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened That said Judgment and all the subsequent proceedings thereon be & they hereby are declared null & void—And that the said Cilley be and he hereby is impowered to enter said action anew at the next Inferior Court of Common Pleas to be holden at Portsmouth within and for said County of Rockingham and that said Court at their said Term be & hereby are impowered to sustain said action but that no costs shall be taxed for the said Cilley against the said Edgarly for any proceedings heretofore had in said action any law usage or custom to the contrary notwithstanding—

And Be it further enacted, That untill the determination of the Court of law upon said action the said Edgarly be and he hereby is prohibited from making any strip or waste upon said premises, & that the said Cilley cause an attested copy of this act to be left at the dwelling house of the said Edgarly fourteen days at least prior to the first tuesday of March next & produce a certificate thereof to said Inferior Court of Common Pleas that he has so done—

## [CHAPTER 29.]

*State of  
New Hampshire.*

AN ACT TO CONFIRM & ESTABLISH BENJAMIN HAYES OF DOVER  
IN THE COUNTY OF STRAFFORD YEOMAN HIS HEIRS & AS-  
SIGNS IN THE TITLE OF A CERTAIN TRACT OF LAND HEREIN-  
AFTER MENTIONED—

[Passed January 27, 1789. Original Acts, vol. 11, p. 56; recorded Acts, vol. 5, p. 476.]

Whereas, the said Benjamin in a Petition preferr'd to the General Court, set forth, that on the Third of March anno Domini 1772—Thomas Hayes, Father of the said Benjamin at Dover afores<sup>d</sup> then being in full Life made his last Will & Testament in writing, under his hand & seal, & therein among other Things, devised his real Estate to his two sons Thomas Hayes Junior & the said Benjamin, a Part of which real Estate was fifty Acres of Land on Green Hill (so called) in Barrington in said County of Strafford And the said Thomas the Father afterwards at said Dover died; and the said Thomas & Benjamin the sons caused said Will to be duly proved & approved—And afterward (to wit) on the sixteenth Day of October Anno Domini 1778—on a Division of said Estate between the said Thomas and Benjamin, among other Things the said Thomas made & executed a good & valid Deed to the said Benjamin of the fifty Acres of Land on Green Hill afores<sup>d</sup> as, and for his part or share of said Estate, & then & there acknowledged the same before John Wentworth Esq<sup>r</sup> of Dover afores<sup>d</sup> a Justice of the Peace for the County of Strafford, since dead; And on the same day the said Benjamin bargained, sold & conveyed the said fifty Acres of Land for a Valuable Consideration to one James Hayes of Barrington afores<sup>d</sup>, by Deed of Covenant & warranty under his hand & seal—And the said Hayes by virtue thereof became seized & possess'd of the afores<sup>d</sup> premises & for a long Time quietly enjoyed & improved the same—And after making said Deed (to wit) during the late War with Great Britain the Petitioner went on board a Ship to oppose the Enemy on the high seas, and left the Deed made to him as afores<sup>d</sup> by his Brother Thomas in a Chest belonging to the Petitioner, & during his absence while on the seas afores<sup>d</sup> the said Deed was fraudulently taken And conveyed away having never been recorded; and the Petitioner has not been able to come into the Possession of said Deed from that Time henceforward.—By which Misfortune the Petitioner is greatly injured; as the Creditors of the said Thomas have levied Executions on the said Fifty Acres of Land for Debts due to them from the said Thomas, and have

ejected the said James Hayes from the Possession of the said Premises and made the Petitioner liable by Law, who now is called upon by the said James to make good his Covenant and Warranty of the said fifty Acres convey'd to the said James as afores<sup>d</sup> Wherefore the Petitioner prays that he and his Assigns may be confirmed & established in the Title to the said fifty Acres of Land—

Which Prayer upon a full hearing appearing reasonable—

Be it therefore enacted by the Senate and house of Representatives in General Court convened That the said Benjamin Hayes the Petitioner his Heirs or Assigns be & hereby are confirmed & established in His & their Title to the said fifty Acres of Land as fully and amply as tho' the deed made by the said Thomas Hays to the said Benjamin had been recorded instantly after making the same any Law custom or Usage to the contrary notwithstanding—

### [CHAPTER 30.]

*State of  
New Hampshire.* }

#### AN ACT FOR TAXING LAND IN THE TOWNS OF LITTLETON AND DALTON—

[Passed January 29, 1789. Original Acts, vol. 11, p. 58; recorded Acts, vol. 5, p. 479.]

Whereas the Inhabitants of said Littleton have Petitioned the General Court setting forth that they are few in number and the Publick Road very bad, and Praying that a Tax of two pence might be laid on each acre of land in said Littleton for the purpose of making and repairing the same and that the Proprietors or owners of land therein might be directed to pay all the Publick Taxes due therefrom to the present time—

And whereas the Inhabitants of Lankester and others have Petitioned the General Court setting forth that the Publick Road in Littleton and Dalton is very bad and praying that a Tax might be laid on all the lands therein for the purpose of making and repairing the same

Which prayers in part appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court conven'd that a Tax of one penny and half a penny be granted on each acre of Land in said Littleton and Dalton publick rights excepted—for the purpose of making and repairing a road therein and that Moses Dow Nathaniel Merrill and Samuel Young Esquires are appointed a Committee and they or either two of them are hereby empowered to assess Levy and collect said Tax of one penny and half a

penny on each acre of Land in said Littleton and Dalton excepting said public rights for the term of one year, and apply said Tax when raised to the purpose of making and repairing a road in said Towns

And be it further enacted by the authority aforesaid that said Committee shall assess the same Taxes Mentioned in this act, and they or either two of them, are hereby Impowered to levy and collect said Tax with Incidental charges by sale of so much of any delinquent Owner or Owners Land as shall be sufficient to discharge the same after giving six weeks Notice thereof, and also of the time and place of such Intended sale in the New, Hampshire Gazettee, and in the Massachusetts Newbury Port news paper, and said Committee or either two of them are hereby authorised to make good and Valid conveyance of such land so sold Saving the same time for redemption as is by law given when lands are sold for State Taxes

And be it further enacted by the authority aforesaid that said Committee shall be accountable to the Court of General Sessions of the Peace in the County of Grafton for the due appropriation and application of all Money and Tax that shall be assessed levied and collected by virtue of this act—Provided nevertheless, that the Nonresident Proprietors or owners of Land in said Towns shall have liberty to pay their proportion of the assessment aforesaid in work to be done on said road between the first day of May and the last day of October next, for which purpose they shall have two Months Notice given them either personally or by advertisement in Newbury Port news paper aforesaid—previous to the time the work is to be done and that no higher price shall be allowed than three shillings per day for an able bodied man he finding his own diet

And be it further enacted by the authority aforesaid that the Select Men of said Littleton for the time being, shall assess and Order to be Collected all Publick Taxes due from said Town up to the first day of January one thousand seven hundred and eighty nine in one Tax Bill on the lands of the Proprietors thereof, and said Proprietors or owners of said land, shall have twelve Months allowed them to pay said Tax, and no extent shall previously Issue therefor,—and the said Select men and Collector are hereby directed to follow the same rules and Regulations as is by law pointed out for assessing and Collecting Taxes of Nonresident Proprietors



## [CHAPTER 31.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JONATHAN CHASE TO ENTER AN ACTION AT THE NEXT SUPERIOR COURT OF JUDICATURE TO BE HOLDEN IN THE COUNTY OF ROCKINGHAM AGAINST CLEMENT MARCH & STEPHEN MARCH ESQUIRES—

[Passed January 29, 1789. Original Acts, vol. 11, p. 59; recorded Acts, vol. 5, p. 481. See act of February 7, 1789.]

Whereas in & by an act of the General Court passed A D 1787—Leave was given to Jonathan Chase Esq to enter an action at the then next Superior Court of Judicature to be holden at Portsmouth in the County of Rockingham on the fourth tuesday of April then next against Clement & Stephen March Esq<sup>r</sup> And Whereas previous to the sitting of s<sup>d</sup> Court of Judicature, a Resolve passed the General Court to stay the Entry of said Action untill their further Order—And whereas it now appears reasonable that said Chase should be restored to the right granted in & by said Act of entering said Action in the Superior Court of Judicature. Be it enacted by the Senate & House of Representatives in General Court convened—That the said Jonathan Chase be & hereby is impowered to enter said action against the said Clement and Stephen March at the next Superior Court of Judicature to be holden at Portsmouth within & for the County of Rockingham on the fourth tuesday of April next, said resolve of the General Court notwithstanding—And be entitled to all the priviledges & benefits contained in & intended by said act at the General Court passed AD 1787—relating to the premises any Law usage or custom to the contrary notwithstanding

## [CHAPTER 32.]

*State of  
New Hampshire.* }

AN ACT TO VEST IN THE SELECT MEN OF HAVERHILL (FOR THE TIME BEING) AND THEIR SUCCESSORS FOR EVER, FOR THE USE OF SAID INHABITANTS THE EXCLUSIVE RIGHT OF ALL FERRIES OVER CONNECTICUT-RIVER AGAINST SAID TOWN WHICH HAVE NOT BEEN ALREADY GRANTED.

[Passed January 29, 1789. Original Acts, vol. 11, p. 60; recorded Acts, vol. 5, p. 482.]

Whereas the Select-Men of Haverhill in the said State of New hampshire have petitioned the General-Court Setting forth

that during the late War with Great-Britain said Haverhill was a frontier Town and much exposed to & harrass'd by the Enemy, whereby they were obliged to expend great Sums of Money, Time, & Labor for their own Safety as well as the public Good—for a great part of which they have hitherto laid no Claim for reward or Compensation for said Service & Sufferings Wherefore they prayed the General-Court in behalf of, and at the Direction of Said Town—that all the privileges & Emoluments of Ferries across Connecticut-River against Said Town not already chartered or granted to others might be vested in and Established to them & their successors forever for the Use & Benefit of Said Inhabitants—and after a full hearing upon said petition the prayer thereof appearing reasonably: Therefore be it enacted by the Senate & house of Representatives in general-Court convened, that all the privileges & emoluments of all the Ferries over Connecticut-River against the Town of Haverhill in the Said State of New hampshire, not already chartered or granted to any other person or persons be & hereby are granted to & vested in the Select-Men of Said Haverhill for the Time being & to their successors in Said Office forever & that the Select-men who shall hereafter be appointed to Serve in Said Town Shall forever hereafter have full power & authority to order let & Lease all Such Ferries as may hereafter appear to be necessary over said River against Said Town for such Rents & Services as such Select-Men may or can agree for and all the net proceeds of Such Ferries are to be considered for the use & Benefit of the Said Town, which Ferry or Ferries to be determined & Set apart for that purpose by such Select-Men shall not infringe on the Right or privilege of any Ferry against said Town heretofore granted— & that Said Select-Men Shall give Bond to the Clerk of the Court of General sessions of the peace for the County of Grafton that the Said Ferrys shall be constantly attended & well kept.—

And be it further enacted by the Authority aforesaid that if any person or persons not authorised by the Select-Men aforesaid Shall for Hire or Reward transport over Said River within the Limits aforesaid, any person Creature or thing, Such person or persons so offending shall forfeit & pay a Fine of forty shillings for every such Offence for the Use of said Town, to be recovered by an Action before any Justice of the peace within Said County of Grafton—

And be it further enacted by the Authority aforesaid that the said Select-Men of Haverhill shall cause a Ferry to be established over said Connecticut-River at the most convenient place within one Mile above the Mouth of Oliverian-Brook (so call'd) within one Year from the Time of passing this act—

## [CHAPTER 33.]

*State of  
New Hampshire.* }

AN ACT FOR ANNEXING A CERTAIN PART OF THE TOWN OF PETERBOROUGH IN THE COUNTY OF HILLSBOROUGH TO THE TOWN OF TEMPLE IN SAID COUNTY

[Passed January 29, 1789. Original Acts, vol. 11, p. 61; recorded Acts, vol. 5, p. 483.]

Whereas the following lots of land lying in the South east Corner of said Peterborough to wit lots numbered, One, two, three, four, five and six in the first east range And the lots numbered Thirty three and thirty four in the second east range are separated by a very high mountain from the other part of said Peterborough and are commodiously situated for said Town of Temple; And the said Towns of Peterborough And Temple have agreed that the said lots of land be disjoined from said Town of Peterborough & annexed to said Town of Temple

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that said lots be, and they hereby are disjoined from said Town of Peterborough And Annexed to said Town of Temple And the said lots of land with the Inhabitants thereon shall forever hereafter be considered as a part of and belonging to said Town of Temple as tho' the same had been originally incorporated therewith—And the Person or Persons who on the first day of September last or at any time since have lived or are now living on said lots of land and who by living thereon may have gained a residence in Said Town of Peterborough shall in Case they shall ever stand in need of relief be considered as the proper Charge of the said Town of Temple in the same manner as tho' the same lots at the time of such Person or persons coming to reside thereon and ever since had been a part of said Temple any law usage or Custom to the contrary notwithstanding—

Provided Nevertheless that nothing in this Act shall be construed to affect the right of said Town of Peterborough to Assess levy And collect any Taxes now due from said lots but the same shall be assessed levied and collected in the same manner as tho' this Act had not been made any thing therein to the Contrary notwithstanding

## [CHAPTER 34.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE AND IMPOWER SAMUEL MANSFIELD OF  
HENEKER IN THE COUNTY OF HILLSBOROUGH IN SAID STATE  
TO MAKE SALE OF THE REAL ESTATE OF SHUBAL BAILY LATE OF  
SAID HENEKER DECEASED

[Passed January 29, 1789. Original Acts, vol. 11, p. 62; recorded Acts, vol. 5, p. 478.]

Whereas the Said Shubal died seiz'd of a Small Farm in Said Heniker &, his other Estate not Being Sufficant to pay his debts some part of his land must be Sold for that purpose but the Said Farm being so small, that to Sell a part and not the whole wou'd be Injurious to it and the said Samuel having petitioned this Court for Liberty to Sell Said Estate and Betty Baily the Widow of Said Decs<sup>d</sup> having Signify'd her Willingness and Consent to Such Sale—

Be it therefore Enacted by the Senate and House of Representatives in General Court convien'd That the Said Samuel Mansfield be and hereby is fully Authorized and impowered to make Sale of Such real Estate in the best manner he can and for the most it will Fetch and that he be and hereby is fully Authorized and impowered to execute a good and Vallid Deed of Conveyance of the Same to the Purchaser or purchasers of Such Estate he the Said Mansfield first Giving bond in the probate office of the Said County in Such a penalty as the Judge thereof Shall think Reasonable that he will appropriate So much of the neat proceeds of Such Sale to the discharging Such debts as the personal Estate will not pay, and, (after deducting such allowance as the Judge of Probate for the Said County for the time being Shall think proper for his services herein) pay to the Said Betty Baily, the Widow of the Said Shubal Baily Such part thereof as Shall be Allow'd to her by the Judge of probate for the Said County as her full Dower in Said Estate and the remainder to the Legal representatives of the Said Deceas'd according to the tennor of Such Bond or otherwise Incur the penalty thereof

## [CHAPTER 35.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH A FERRY BETWEEN THE TOWNS OF LITCHFIELD AND MERRYMACE IN THE RIGHT OF WILLIAM READ OF SAID LITCHFIELD, HIS HEIRS AND ASSIGNS—

[Passed January 30, 1789. Original Acts, vol. II, p. 63; recorded Acts, vol. 5, p. 485.]

Whereas the Said William Read has petitioned this Court and Set forth that his grandfather kept a Ferry where he now resides, and that he has purchased that privilege of the Heirs to the Same and the Selectmen of Litchfield and Merrymace having under their hands Signified that they have no objections to the granting the Prayer of Said Petition—

Be it Therefore enacted by the Senate and House of Representatives in General Court Conven'd, That the Sale and Exclusive right and privilege of keeping a ferry over Merrymace River, Be and is hereby granted to and vested in the said William Read his heirs and assigns forever Extending one mile Down and two miles up the Said River from the place where the Said Ferry is now kept, he the said William Read his heirs and assigns as occasion may require giving bond with Sureties in the Sum of one hundred pounds to the Clerk of the Court of Sessions of the peace for the County of Hillsborough that the said Ferry shall be Constantly Attended and well Kept—And Be it further enacted, That if any other person or persons not authorized by the said William Read, his heirs or assigns, Shall, for hire or reward transport over Said river within the Limits aforesaid, any person creature or thing such person or persons so transporting Shall forfeit and pay to the Said William Read his heirs or assigns the Sum of forty Shillings for each Such person Creature or thing so transported, to be recovered before any Justice of the peace within the Said County

## [CHAPTER 36.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE DANIEL SARGEANT JOHN AMORY & THOMAS AMORY AND EDWARD DAVIS TO THEIR LAW—

[Passed January 30, 1789. Original Acts, vol. II, p. 64; recorded Acts, vol. 5, p. 486.]

Whereas Daniel Sargeant, John Amory & Thomas Amory & Edward Davis at an Inferiour Court of Common Pleas holden at

Exeter within, & for the County of Rockingham on the second Tuesday of August AD 1786 severally recovered Judgment of the same Court against Jonathan Moulton Esq<sup>r</sup> and Joseph Allen Merchant as joint partners in trade—to wit the said Daniel Sargent the sum of two hundred & forty seven pounds ten shillings & nine pence Damage, & six pounds eleven shillings & six pence costs of suit the said John Amory & Thomas Amory the sum of four hundred & Eighteen pounds nineteen shillings & nine pence Damage & five pounds twelve shillings & eight pence cost of suit, & the said Edward Davis the sum of fifty one pounds six shillings & eight pence Damage & six pounds eight shillings & six pence costs of suit, as may by the Records of said Court appear; And Whereas the said Jonathan Moulton made an appeal from each of said Judgments to the then next Superiour Court of Judicature holden at Exeter on the third Tuesday of September AD 1786 but at the same Court neglected to enter the name of the said Joseph Allen, with himself as appellants, whereby on the decease of the said Jonathan the several Actions aforesaid were dismissed, and the Appellees lost the benefit of their suits, For remedy whereof—Be it enacted by the Senate & house of Representatives in General Court convened, that the said Daniel Sargent, John Amory and Thomas Amory & Edward Davis on their producing authenticated Copies of their several processes & Judgments aforesaid shall have leave to enter the several appeals of their Actions aforesaid at the next Superiour Court of Judicature to be holden at Portsmouth in the County of Rockingham on the fourth Tuesday of April next that the several Appeals & Actions aforesaid shall stand & be sustained & proceed in the same manner against the said Joseph Allen as surviving partner of the said Jonathan Moulton as if the Appeals had been rightly entered by them in the first Instance, any Law, Usage or Determination to the Contrary thereof notwithstanding—

### [CHAPTER 37.]

*State of  
New Hampshire.* }

AN ACT FOR THE BETTER OBSERVATION OF THE LORD'S DAY  
AND TO REPEAL ALL LAWS HERETOFORE MADE IN THIS STATE  
FOR THAT PURPOSE

[Passed February 2, 1789. Original Acts, vol. 11, p. 65; recorded Acts, vol. 5, p. 487; Laws, 1780 ed., p. 481; Perpetual Laws, 1789 ed., p. 134; Laws, 1792 ed., p. 262. This act repeals the act of 1700 and the act of June 23, 1785. Repealed December 24, 1799.]

Be it enacted by the Senate & House of Representatives in General Court convened that no Tradesman, Artificer or any

other person whatsoever shall do or exercise any labour, business or work of their secular calling, works of necessity and mercy only excepted nor use any Game play or recreation on the Lords day or any part thereof upon pain that every person so offending Shall forfeit a sum not exceeding forty Shillings nor less than five Shillings

And Be it further enacted by the Authority aforesaid that no person shall travel on the Lord's day or any part of it unless from necessity or to attend public worship—visit the sick or to do some Office of Charity on penalty of a sum not exceeding forty Shillings nor less than five.—

And be it further enacted by the Authority Aforesaid that no Taverner Retailer or other Person keeping a public House of entertainment shall suffer any of the Inhabitants of the respective Towns where they dwell or others not being Strangers or lodgers in such Houses to abide or remain in the houses yards or appendages thereof drinking or idly spending their time on the Lord's day upon the pain and penalty aforesaid:—And the Person or Persons who shall be found so drinking or abiding in such house or dependencies thereof as aforesaid shall each suffer the like penalty.—

And be it further enacted by the Authority aforesaid that each Town And destrect within this State Shall at the time of chusing Town or destrect Officers Annually and every year appoint certain persons being of good Substance and sober life to be Tythingmen of such Town or destrect Of which Officers no town or Destrect shall appoint less than two whose duty it shall be to inform of all breaches of this Act and all such Tythingmen shall take the following Oath “You——— being chosen a Tythingman for the Town of —— for the year ensuing and untill another shall be chosen and sworn in your room do Solemnly swear that you will diligently Attend to & faithfully execute the duties of said Office without partiality and according to the best of your discretion & Judgment

So help you God—”

And be it further enacted that if any Person shall on the Lord's day within the walls of any house of public worship or about such house whether in the time of public Service or between the forenoon and Afternoon services of said day behave rudely or indecently he or she shall pay a fine not exceeding ten Shillings nor less than three Shillings

And be it further enacted that the Oath of any Tythingman or Selectman shall be deemed full and sufficient evidence upon Trial of any Offence Against this Act unless in the Judgment of the Court or Justice the same shall be invalidated by other evidence that may be produced.

And be it further enacted that the Parents of any Children under Age the Guardians of any Minors And the Masters of

Servants who shall have no parents or Guardians Shall be respectively liable for the fines of their Children Wards or Servants who shall be convicted of any Offence against this Act.—

And be it further enacted that it shall be lawful for each & every Justice of the peace to take such Assistance as shall be needful And forcibly to stop and detain and person or persons he shall suspect of travelling unnecessarily on said day for and during such time as shall be necessary for demanding the Cause or reason of such Person's travelling—his name and place of abode & receiving the answer to such demand And in Case any person Shall not give Satisfaction to the Justice demanding the same such Justice Shall have full power and Authority to detain in his Custody such person or Persons until a regular trial can be had

And be it further enacted that the Selectmen of the several Towns and places of this State and the Tythingmen chosen and sworn as aforesaid be and they hereby are required to inform of all breaches of this Act within their precincts—And if any person charged with a breach of this Act Shall be acquitted upon trial he shall recover Costs Against the Complainant unless the Complainant shall be a Justice of the peace Tythingman or Selectman And in that Case no Costs shall be Allowed to the person acquitted.—

And for the better execution of all and every of the foregoing Orders every Justice of the peace within the County where any Offence Against this Act Shall be committed shall have power and Authority to convene before him any person or persons offending as aforesaid and upon his own view or other evidence sufficient to convict any person of such Offence to impose the fine and penalty for the same with Costs and to restrain and commit the Offender untill the same be satisfied or to cause such fine penalty & Cost to be levied by distress and sale of the Offenders Goods returning the overplus if any be:—All fines and penalties accruing by this Act to be for the benefit and relief of the poor of such Town where the Offence is committed And delivered into the hands of the Selectmen or overseers of the poor for that purpose—

And be it further enacted that any person shall have the right of appeal to the Court of General Sessions of the peace from any sentence of a Justice given Against him in pursuance of this Act.—

Provided nevertheless that it shall and may be lawful for any Justice of the peace on Application to grant a license for any person to travel or do any Secular business on said day which Shall appear to him to be a work of necessity or mercy And such Certificate Shall be a bar to any prosecution therefor—And the Informing Officers aforesaid shall have a right to enquire of any person Apparently offending against this Act the Cause



or necessity of his so doing and if he shall neglect or refuse to assign such reason or reasons as may appear on trial to be sufficient or shew such Certificate he shall pay Costs of prosecution any other reason he shall give on trial notwithstanding.—

And be it further enacted that all prosecutions for offences Against this Act shall be commenced within thirty days after the Offence shall have been committed and not afterwards

And be it further enacted that an Act entitled an Act for the better observation & keeping the Lord's day passed in the late province now State of New Hampshire in the year of our Lord Seventeen hundred—And also an Act entitled an Act for the better observation and keeping the Lord's day made and passed June 23, 1785 be and they hereby are repealed.—

And it is hereby recommended to the Ministers of the Gospel to read this Act publickly in their Congregations Annually on the Lord's day next after the Choice of Town Officers.—

### [CHAPTER 38.]

*State of  
New Hampshire.* }

AN ACT VESTING CERTAIN POWERS IN THE COMMISSIONERS APPOINTED TO RECEIVE AND EXAMINE THE CLAIMS AGAINST THE ESTATE OF JONATHAN MOULTON LATE OF HAMPTON ESQUIRE DECEASED AND IN THE EXECUTORS OF HIS LAST WILL AND TESTAMENT

[Passed February 3, 1789. Original Acts, vol. 11, p. 66; recorded Acts, vol. 5, p. 495. See additional act of June 18, 1790.]

Whereas Sarah Moulton and Thomas Leavitt Executors of the last will and testament of the said Jonathan Moulton have petitioned the General Court setting forth that the said Jonathan from the uncertainty of boundaries of Land in a new Country gave Deeds to sundry persons of Land not owned by him; which in many instances has been so improved as to make the value thereof much greater than when the Deeds were given, that in some of these cases the owner is willing to accept from the said Executors a Deed of Land of the same value with theirs thus attempted to be conveyed if it were still in a wild state. That the said Jonathan did also obligate himself to convey Land to certain persons when real estate was at a much higher rate than at this time, some of whom have improved thereon, and paid part or the whole of the Consideration, and that no Deed has been given thereof.—That the said Jonathan not knowing the exact boundaries of Land he had heretofore conveyed, has afterwards given Deeds to other persons which in part interfere with former conveyances.—That the said Jonathan did also

obligate himself to convey land to persons for settling in New Townships, and they have fulfilled the terms on their part, but have received no Deed of the Land promised: And that the before named purchasers and obligees if evicted or the condition on the part of the said Jonathan is not complied with, will be turned for damages on an Estate in such an event certainly insolvent. The Petitioners therefore prayed that the Commissioners appointed to receive and examine the claims against the estate of the said Jonathan Moulton or any others which the Legislature should see fit to entrust might be empowered under such limitations and restrictions as they should make to determine what in the foregoing cases would be most advantageous to the said Estate and that the Petitioners might be enabled to act accordingly

Which appearing reasonable. Be it therefore Enacted by the Senate and House of Representatives in General Court convened That in all Cases where the said Testator has given Deeds of Land owned by other persons and the title is still in them or in persons claiming under them—and where the said Testator has sold Lands which interfere with Lands formerly conveyed by him to others—and where he has given obligations to settlers or others for Land, and the settlement hath been made accordingly or the agreement on their part complied with by payment or otherwise, The Commissioners appointed to receive and examine the claims against the estate of the said Jonathan be and they hereby are empowered upon consideration of all the circumstances to determine when it would be most for the Interest of the said Estate and the Creditors thereof, that other Lands in a wild state quantity for quality should be conveyed to owners of Land sold as aforesaid and to purchasers in case of interference as aforesaid, and also to determine when the obligations as aforesaid of the said Testator should be carried into effect in part or in whole according to their conditions

And Be it further Enacted that the said Sarah and Thomas are hereby further empowered to make Deeds and conveyances of Lands belonging to the said Testator's Estate according to such determination; and otherwise to act in pursuance thereof The Representation of Insolvency of the said Estate notwithstanding

And Be it further Enacted that in every Deed so given by them the said Sarah and Thomas, it shall be therein expressed that it is given by virtue of this Act.

In Senate Feby 3, 1789—This bill having been read a third time voted that the same be enacted with this Exception, that the Commissioners shall have no authority by virtue of this Act, to determine that said Executors should make any conveyance to any person or persons who may have deeds or

obligations made by said Testator where it shall not be clearly proved that such Deeds or obligations were made and executed for a valuable consideration.

House concurred the same day.

[CHAPTER 39.]

*State of  
New Hampshire.* }

AN ACT. TO ENCOURAGE THE ERECTING OF PROPER BUILDINGS FOR CARRYING ON THE MANUFACTURE OF SAIL CLOTH OR DUCK WITHIN THIS STATE—

[Passed February 3, 1789. Original Acts, vol. 11, p. 67; recorded Acts, vol. 5, p. 497. Laws, 1780 ed., p. 487; Perpetual Laws, 1789 ed., p. 205; Laws, 1792 ed., p. 347. Repealed June 18, 1805.]

Whereas the manufacture of Duck within this State wou'd prevent large sums of money being drawn out of the same to foreign Countries—

Therefore be it enacted by the Senate & House of Representatives in General Court convened—That buildings proper for the Manufacture of sail cloth or Duck which shall be set up, erected & compleated for the purpose aforesaid in any part of this State within three Years from the passing of this Act shall be exempted from all taxes duties and impositions whatever for the term of ten years from the time of their being set up & compleated as aforesaid—Provided always that the benefit of this Act shall not be extended to any or either of them for a longer time than the same shall in the Judgment of the selectmen of the Town or Parish or Place where the same is situate be usually & properly occupied & improved in the business for which it was erected, constructed, and set up—

And be it further enacted that the owner or owners of such Manufacture for making Duck (set up and erected within three years as aforesaid) shall have an abatement annually for the term of seven years in his her or their taxes for as many poll taxes as he she or they shall usually and usefully employ of proper workmen to the satisfaction of said Selectmen in making sail cloth or Duck—

And be it further enacted that if any Person or Persons shall within one year from the passing this Act erect, and finish any such Manufacture for making duck as aforesaid, which shall be in the Judgment of two of the Judges of the Superior Court, properly constructed for the business for which it was erected, & shall be, so certified by said Judges, & that it is the first of the kind in their judgment compleated in this State, so far as to make duck, the Person or Persons so constructing the

same within one year being the first of that kind, erected, set up, & finished so as to make duck in this state, & producing such certificate thereof to the President and Council—The President with advice of Council is hereby empowered to give an Order upon the Treasurer of this State for Fifty pounds to be paid to such Person, or Persons so first constructing & finishing such Manufacture as aforesaid within one year—And the same together with the privileges on which it may be constructed shall be exempted from all, & every kind of duty, tax or imposition so long as the same shall be occupied & improved in the business aforesaid—

[CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT THE SPREADING OF THE SMALL POX, FOR ALLOWING HOSPITALS TO BE ERECTED UNDER CERTAIN RESTRICTIONS, AND TO REPEAL AN ACT INTITLED AN ACT "PROVIDING IN CASE OF SICKNESS" ALSO AN ACT INTITLED AN ACT TO "PREVENT THE SPREADING OF THE SMALL POX IN THIS STATE"

[Passed February 3, 1789. Original Acts, vol. 11, p. 68; recorded Acts, vol. 5, p. 499. Laws, 1780 ed., p. 488; Perpetual Laws, 1789 ed., p. 187; Laws, 1792 ed., p. 273. This act repeals the acts of May 15, 1714 and November 11, 1788. One clause of this act is repealed by the act of December 25, 1792.]

Whereas the Salutary purposes of the Laws providing in cases of sickness, & for preventing the spreading of the small pox in the State are not sufficiently answered thereby.—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the before recited Acts be and they hereby are repealed, and that the Justices of the Inferiour Court of common pleas in the respective Counties in this State shall on proper application to them made grant a license for one or more buildings to be erected or improved for the purpose of Inoculating persons for the Small Pox in any Town parish or place within this State under such regulations as they may think proper, provided the consent of the Town, parish or place can be previously obtained therefor—

Be it enacted that the Justices aforesaid shall & may from time to time licence such Physician or Physicians to take care of, & superintend such Hospitals as they shall think proper, & that the Physician and Physicians so from time to time licenced shall give Bond to the Justices aforesaid in the Sum of one thousand pounds for the faithful discharge of the trust reposed in them, and that they will take every precaution and use all

means in their power to prevent the spreading of said disorder, and that they will not inoculate and suffer any person to have the Small Pox in any other place than the Hospital or Hospitals licenced as aforesaid or willingly suffer the same to be done— And be it further enacted If at any time it shall happen that the Small Pox shall break out in any town parish or place in this State, the Selectmen of such Town, Parish or place, or the Major part of them may remove any persons infected to any place where permission may be obtained from such Justices or where there is no Hospital appointed to any place remote from Inhabitants, provided that no person or persons shall in any case whatever be removed unless the Physician attending him her or them so infected shall be of opinion that such removal will be safe & no ways dangerous to the Life of such person or persons—

And be it further enacted, That if any person from & after the passing of this Act shall with intent to spread the Small Pox & communicate the same to any person, bring any infectious matter into the State, or shall use such infectious matter so as to communicate the same or shall presume to inoculate him or herself or any other person with the Small Pox, or shall be inoculated therefor, each person so offending shall pay a fine of fifty pounds Lawful Money to be recovered by bill plaint or information before the Superiour Court of Judicature within this State, the one half thereof to the use of the informer or prosecutor, & the other half to the use of the Town where such offence shall be committed—

And be it further enacted that if any Physician or Physicians or other person not licenced as aforesaid shall presume on any pretence whatever to inoculate any person or persons with the small pox, The person so offending shall pay a fine of one hundred pounds to be recovered & appropriated as in this Act is above provided—

And be it further enacted that if any person or persons, seamen or passengers belonging to or on board any Vessel arriving at any Port or harbour within this State shall be infected with the plague, small pox pestilential or malignant fever, during the Voyage, the Commander of such Ship or Vessel shall immediately on his entrance into such port or harbour cause his Vessel to be anchored & give information thereof to the commanding Officer of fort William & Mary if the Vessel happens to be in Pascataqua harbour, or in case of the Vessels being in any other port, to the nearest field Officer of the Militia whose business it shall be immediately to notify the President or in his absence two of the Council and receive their directions And if the commanding Officer shall suffer any person or thing to be landed or set on shore out of said Vessel without permission obtained either from the President, or in his absence from two of the Council he shall forfeit & pay the sum of one hundred

pounds, to be recovered and appropriated as aforesaid. And if any person who may come in such Vessel either as Seaman or passenger shall presume to come on shore before licence is obtained as aforesaid, he shall forfeit the sum of fifty pounds to be recovered & applied as aforesaid—

[CHAPTER 41.]

*State of  
New Hampshire.* }

AN ACT FOR THE SETTLING OF TESTATE ESTATES—

[Passed February 3, 1789. Original Acts, vol. 11, p. 69; recorded Acts, vol. 5, p. 502. Laws, 1780 ed., p. 491; Perpetual Laws, 1789 ed., p. 71; Laws, 1792 ed., p. 210. This act repeals the act of May 15, 1714. See additional act of December 13, 1792. Atherton Anniversary Address, III Coll. N. H. Hist. Soc., p. 165.]

Be it enacted by the Senate & house of Representatives in General Court conven'd that every person lawfully seized & possessed of any Estate in Lands Tenements or hereditaments within this State of the Age of twenty one years & upwards & of sane mind shall have power to give devise & dispose of the same as well by his last Will & testament in writing, as by any other Act duly executed, to & among his or her Children or others as he or she shall think fit.—And that all devises & bequests of any Estate in Lands tenements & hereditaments shall be in writing & sealed by the party devising the same & signed by him or by some person in his or her presence & by his or her express direction & shall be attested & subscribed in the presence of the said devisor by three or more credible witnesses or else shall be void & of none effect—

And be it farther enacted that when any Child shall hapen to be born after the death of the father without having any provisions made in his Will every such posthumous Child shall have right and interest in his or her fathers estate in like manner as if he had died intestate & the Judge of Probate shall issue his warrant as in case of intestates to assign to such posthumous child a share in said Estate equal to what he or she would have inherited had the father died intestate & the same shall be taken in proportion from the Devises & Legatees who own the estate by virtue of such Will—

And be it further enacted that any Child or Children or their legal Representatives in case of their death, not having a Legacy given him or them in the will of their father or mother shall have a portion of the Estate of the testator assigned unto him her or them as tho such parent had died intestate provided such child, children or Grand children have not had an equal proportion of the deceaseds Estate bestowed on him,

her or them in the deceaseds lifetime—and when any person having a devise of real or personal Estate shall die before the testator, & have lineal descendants, such descendants shall take the Estate devised in the same manner the devisee would have done had he or she survived the testator—And the widow may wave the provision made for her in the will of her deceased husband & have her dower assigned her in the same manner as tho he had died intestate, in which case she shall have no benefit from such provision unless it appears to have been the testators intention that such provision should be in addition to her dower—

And be it farther enacted that no will or instrument in writing here after offered for probate, purporting a disposition of real & personal Estate not being executed with the formalities afore mentioned shall be approved or considered of validity to pass or convey any such Estate or Estates whatever—

And be it farther enacted that all such estate real & personal that is not devised or bequeathed in the last will & testament of any person hereafter to be proved shall be distributed in the same manner as if it were an intestate Estate & the Executor or Executors shall administer the same accordingly—

And be it farther enacted that any Executor or Executors of the Will of any person deceased knowing of their being so named neglecting for more than thirty days next after the decease of the testator to cause such will to be proved before the Judge of probate for the County where the deceased person last dwelt, or to present the said Will to the said Judge & in writing to declare his her or their refusal of the trust (without just excuse made to & accepted by the s<sup>d</sup> Judge for such delay) shall forfeit the sum of five pounds a month for such neglect from & after the expiration of the said thirty days—to be recovered by action of debt in the inferior Court in the same County, one moiety for him or them that shall sue for the same & the other for the use of the Legatees named in the same Will—And upon any such refusal the Judge of probate shall commit administration of the Estate of the deceased with the will annexed unto the Widow or next of kin to the deceased or one or more of the Deviseses, or in case of their refusal to one or more of the principal Creditors as he shall think fit—

And be it farther enacted that every Executor or Executrix named in any Will hereafter to be proved & taking upon him or herself that trust by proving the same shall give Bond to the Judge of probate with sufficient surety or sureties to return upon Oath a true & perfect Inventory of the Estate of the Testator into the probate Office & to render an Account of his or her proceedings thereon in the same manner as Administrators are by Law obliged to do, unless such Executor or Executors are residuary Legatees, in which case Bond may be given by him her or them to pay the Debts & Legasies of the Testator; and in case

any Executor or Executors shall neglect or refuse for the space of twenty days to give Bond as aforesaid the Judge of probate may commit Administration of the Estate of the testator with the will annexed to some other person in like manner as he may grant the same when the Executor refuses the trust—and where divers persons are named Executors in any Will hereafter to be proved none shall intermeddle & act as such but those who give Bond as aforesaid—

And be it further enacted that when any Executor of any last will & testament shall become insane or otherwise incapable of discharging the trust the Judges of probate within their respective Counties, observing the rules aforesaid are hereby authorised to grant Letters of administration with the will annexed to such person as to the said judge shall seem meet—And the Administrator thus appointed shall have the same power & authority to administer the Estate of the deceased not administered by such former Executor and be subject to the same duties as if said Executor were actually dead—And when a Feme Sole shall, with one or more persons, be appointed Executrix & after such appointment shall during the life of her coexecutor marry, such marriage shall not make her husband an Executor in her right but shall operate as an extinguishment of such womans power & the other Executor or Executors may proceed in discharging the trust in the same manner as if the woman were dead—And the Executor of an Executor shall not in consequence thereof become the Executor of the first testator; but in every such case administration may be granted (if circumstances require it) upon the Goods & Estate of the first Testator unadministered with the Will annexed to such person or persons as the Judge of probate may think fit (he observing the rules for granting administration as above mentioned—any Law usage or custom to the contrary notwithstanding—

And be it further enacted that when & so often as any Devisee (or his or her Guardian) who holds any real Estate in partnership with any person or persons by force of any last will & testament shall make application to the judge of probate of Wills in the County where the Will was proved, for a division thereof it shall & may be lawful for such Judge to order the whole of the real estate so devised (or that part of it the partition whereof is requested) to be divided to & among the Devisees according to the Will of the testator by five or three discreet freeholders to be appointed by the said judge, notice being first given to all concerned to be present at the making such partition if they see cause which partition or division being made & returned to the Judge under the hands of the Committee or the Major part of them upon oath to their fidelity & impartiality therein & by him approved shall be valid in Law to all intents & purposes—unless upon the appeal of any person dissatisfied



with the partition so made the same should be reversed or altered by the superiour Court of Judicature—

And be it further enacted that when any real Estate devised by will lies in common & undivided with other real estate it shall and may be lawful for the judge of probate to order & direct the freeholders aforesaid first to make partition between the estate devised & any other land or real Estate lying in common therewith in the same way & manner as is provided for dividing Intestate Estates from any other with which they may lay in common provided that no partition shall be made when the proportion of the Deviseses or any of them shall be disputable & uncertain.—Provided also that where any of the interested are minors or persons non compos mentis or otherwise incapacitated to take care of their Estates or out of the State Guardians shall be first appointed for such minors, persons non compos mentis or otherwise incapacitated—and some disinterested person shall be appointed by the Judge to represent & act for such absent party—

And be it further enacted that the Judge of probate before he allow the Account of any Executor relating to his Executorship shall cause the Heirs of such Estate to be notified in such manner as he shall think most proper of the time & place for examining & allowing such Account—

And be it further enacted that any Executor being a residuary Legatee, may bring his action of Account against his co-executor or executors of the Estate of the testator in their hands; and may also sue for & recover his equal & rateable part thereof; & any other residuary Legatee shall have like remedy against the Executors—

And be it further enacted that all writs of attachment & execution shall run only against the goods or estate of the party deceased in the hands of the Executor and not against his body—nor shall any Executor be held to special bail upon mean process nor his own proper goods or estate be seized or his person be arrested or taken in Execution for the debts or Legasies of the testator, but upon a suggestion of a waste & return made by the Sheriff *nulla bona* or *devastavit* in which case a *scire facias* shall be issued out of the Clerks Office of the same Court against such Executor & *scire feci* being returned; if the Executor shall make default of appearance or coming in shall not shew sufficient cause to the contrary Execution shall be adjudged & awarded against him of his own proper goods & Estate to the value of such waste when it can be ascertained, & otherwise for the whole sum recovered, & for want of Goods or Estate against his body—

And be it further enacted That every Executor shall make payment of the Debts & Legasies of the testator in Specie of such he hath as assets in his hands, and if he hath not the same he shall expose the Estate to the Creditors & Legatees to take

their satisfaction thereof at their election, the value of such Estate to be ascertained by appraisors mutually chosen & sworn—and where Judgment & Execution shall be awarded for any Legacy or for a debt due from the testator, the same proceedings shall be had thereon as the Law does, or may hereafter direct for levying and satisfying Executions in other cases—

And be it further enacted that any person aggrieved at or dissatisfied with any Decree sentence or Order of any Judge of Probate by Virtue of this Act made, shall have right to appeal therefrom to the Superiour Court of judicature provided such appeal be claimed within sixty days next after the making such decree, sentence order or denial, and giving Bond in a reasonable sum with sufficient sureties to prosecute said appeal with effect, & to pay costs in case such decree, sentence order or denial shall be confirmed—

And be it further enacted that if any such decree sentence order or Denial shall upon such appeal be reversed or altered by said Superiour Court cost shall be taxed for the Appellant—

And be it further enacted that in case of an appeal being taken the person appealing shall immediately give notice in one of the New Hampshire News Papers of the appeal having been claimed & allowed & of the Term at which said appeal is to be entered for tryal—

And be it further enacted that the Act entitled “An Act relating to Executors & Administrators” be & hereby is repealed—provided nevertheless that all proceedings already had by virtue of said Act shall be good & valid and all orders & decrees of any Judge of Probate in pursuance thereof shall be carried into effect in the same manner as though said Act had not been repealed—

Provided always that nothing in this Act contained shall be construed to affect Nuncupative Wills as provided for by a Law of the late province—

## [CHAPTER 42.]

*State of  
New Hampshire.* }

AN ACT ORDERING THE DESCENT OF INTESTATE ESTATES AND  
IMPOWERING THE JUDGE OF PROBATE TO SETTLE THE SAME  
ACCORDINGLY—

[Passed February 3, 1789. Original Acts, vol. 11, p. 70; recorded Acts, vol. 5, p. 508. Laws, 1780 ed., p. 498; Perpetual Laws, 1789 ed., p. 76; Laws, 1792 ed., p. 218. This act repeals the act of May 14, 1718. See additional act of January 4, 1792 and act of December 13, 1792. Atherton Anniversary Address, June 8, 1831, III Coll. N. H. Hist. Soc., p. 165. Knight v. Hollings, 73 N. H. 494, 499.]

Be it enacted by the Senate and house of Representatives  
in General Court convened That when any person shall die

seized of Lands tenements or hereditaments within this State not by him devised the same shall descend in equal shares among his children and such as legally represent such of them as may be dead—And where there are no children or child of the intestate the Inheritance shall descend equally to the next of kin in equal degree and those who represent them—no person to be admitted as a legal representative of collaterals beyond the degree of brothers and sisters children—

And when any of the Children of an Intestate die before twenty one years of age and unmarried such deceased child's share shall descend among the surviving brothers and sisters and such as legally represent them—But if such child die after having arrived to the age of twenty one years unmarried and intestate in the life time of the mother, she shall inherit equally with every brother and sister—

Provided always that in case any persons dying intestate after marriage or arrival to twenty one years of age without lawful issue, living the father the whole estate of such intestate shall go to the father, reserving to the widow as is herein after provided—And in case the mother be living, & no father at the time of such decease, she shall be entitled to an equal share of the Estate with the brothers & Sisters of the Intestate & their legal representatives

And be it further enacted that when any Person shall die possessed of any Chattels or personal Estate not bequeathed the same shall be distributed in the manner real Estates descend by this Act

Provided nevertheless that such Chattels or personal Estate shall stand chargeable with the payment of the Debts and funeral charges of the deceased—and after payment thereof the Judge of Probate shall decree one third part of the Surplusage (if any there be) to the widow of the deceased forever unless he died without issue, in which case she shall have one half thereof forever—And where the personal Estate shall be insufficient to pay the said debts and funeral Charges, the Widow shall be entitled to her apparel and such other of the personal Estate as the Judge of Probate shall think necessary according to her quality and degree—

And the real Estate shall stand chargeable with the Debts of the deceased over and above what the personal Estate shall be sufficient to pay—

And be it further enacted that the Widow of any deceased person shall in All Cases be entitled to her Dower in his real Estate (where she shall not have been otherwise endowed before marriage) and may recover the same as the Law directs—

And be it further enacted that after the decease of any person Intestate the Judge of the Probate of Wills for the county where in such person was last an Inhabitant, shall grant administration

of the Intestates Estate unto the widow or next of kin to the Intestate (upwards of twenty one years of age) or to both as the said Judge shall think best) within thirty days—And an Inventory of all the Estate of the Deceased shall be taken within three months by three Suitable persons appointed for that purpose and sworn before the Judge or a Justice of the peace to their fidelity and impartiality therein—

And after the expiration of thirty Days from the Death of any person Intestate if the widow or next of kin neglect to apply for administration the said Judge shall cause them to be cited to take the same & if they neglect or refuse to administer accordingly, he shall grant administration to one or more of the principal Creditors or others on their refusal as he shall think proper—And every Administrator shall before he or she enters upon the execution of that trust give Bond to the Judge of Probate with sufficient Sureties in a reasonable sum upon condition among other things to return to the said Judge a true Inventory of the deceaseds Estate upon Oath within three months from the Date of the Bond, to administer said Estate according to Law and to render to the Judge of Probate a just & true Account of Administration within one Year

And after payment of Debts funeral expences & charges incurred in settling any Estate (to be allowed by the said Judge) he shall cause the residue to be divided and partition thereof to be made among the widow children and grandchildren or heirs as this act directs Unless any of them have had Estate of the Intestate in his life time or been advanced in settlement, which shall be taken into consideration and allowed for a share or deducted from it according to the value thereof—And any Deed of Lands or tenements made for love or affection or where any personal Estate delivered a child shall be charged in writing or by his or her order, or a memorandum made thereof or delivered expressly for that purpose before two witnesses who were bidden to take notice thereof, the same shall be deemed and taken as an advancement to such child or children to the value thereof, within the intent of this Act—

And the Judge of probate shall appoint five freeholders to make distribution of the real Estate of any Intestate which being made and returned to the Judge under their or the major part of their hands upon oath to their fidelity and impartiality therein & accepted and allowed by the said Judge shall be valid—And the Dower of Widows in intestate Estates that are solvent after the expiration of their term therein shall be distributed in like manner among the heirs—

Provided nevertheless that the surplusage of every Intestate Estate the payment of Debts and Charges as aforesaid shall be subject to the support of each child until he or she shall arrive to the full age of seven years, and after that age each child shall

receive his or her support out of his or her particular share the account of said Support to be allowed by the Judge of Probate— And every one to whom any share of any Intestate estate shall be allotted shall give bond to the Judge to pay to the Administrator his or her rateable proportion of any Debts that shall afterwards be made to appear against said Estate and of the charges of administration and maintenance and support of the children under seven years of age—

Provided further and it is enacted that where any real Estate of an Intestate cannot be divided among all the Children or their legal representatives without great prejudice to or spoiling the whole and being so represented and made to appear to the Judge of Probate, he may decree the whole to the oldest son if he will accept it, or to the oldest and any other of the sons who shall agree to accept it, or to any one or more of the sons successively & upon their refusal or if there be no sons, to the oldest Daughter or upon the oldest and any other of the Daughters who will accept it or on any one or more of them successively, and in case the Intestate left no issue upon any one or more of the collaterals in equal degree preference being given to the male heirs—He she or they paying to their coheirs their proportionable shares of the true value thereof upon an impartial appraisal of the same to be made by three freeholders under Oath appointed for that purpose by the Judge of Probate, or giving good Security to pay the same at such periods as the Judge shall limit with Interest till paid—

An be it further Enacted that the Judge of Probate may upon application of any heir to any intestate Estate order his or her dividend or proportion of the real Estate to be distributed and set off to such heir by a Committee of five freeholders as aforesaid, he or she giving bonds with sufficient Sureties to pay his or her rateable part of the Debts, charges of administration and maintenance of Children under seven years of age as aforesaid—

And be it further enacted that when any tract of Land Mesuage or other tenement shall be of greater value than either partys part or share in the estate to be divided and cannot be subdivided, or part thereof assigned to one & part to another (without injury or inconvenience) the same may be settled or assigned to one of the parties such party paying such sum or sums of money to the party or parties as by means of the assignment shall have less than their share of the real Estate, as the Committee appointed to make partition shall award—

And be it further Enacted that the respective Judges of Probate within this State be and hereby are directed and empowered when they make out their Warrants for the Division of the real Estate of any person dying Intestate to and among the heirs or for assigning the widows Dower where such estate or any part thereof lies in common or undivided with the real

Estate of any other person to direct the committee named in such warrant, first to sever and divide the intestates Estate from the Estate with which it lies in common as aforesaid; the said committee to give timely notice to all parties interested to be present if they see cause and such division so made and accepted by the Judge and recorded in the probate office for the same County shall be binding upon all parties interested—

Provided that where any minors persons non compos or otherwise incapacitated to take care of their Estates are interested in either of the Estates Guardians shall be appointed over them—and if any person interested is out of this State the Judge shall appoint some discreet person to represent & act for such absent party before such Division is made—Provided also that before the order for such partition or severance be issued it be made to appear to the Judge of Probate that the several persons interested in such Estate if living within this State or the Attorney of such as are absent & have attorneys within the State have been notified of such partition and have had opportunity to make exceptions to the same—

And be it further Enacted that when division of any intestate Estate or partition of such Estate lying in common with the Estate of any other person shall be caused to be made by any Judge of Probate according to the method before prescribed, and any of the parties interested shall neglect or refuse to pay their Just proportion of the Charge which may attend such division or partition it shall and may be lawful for the Judge to issue a Warrant of distress against any delinquent or delinquents interested as aforesaid provided an Account of such charge be first laid before the Judge & the Just proportion of each party interested be by him settled & allowed they having been notified to be present at such settlement & allowance—

And be it further enacted that every administrator shall be held to account with the Judge of Probate for the personal Estate of the deceased as the same shall be appraised unless the Judge shall order the same or any part thereof to be sold at public Auction or private sale, as he shall think will best serve the Interest of all concerned, and the administrator shall account for the same accordingly—

And be it further Enacted that when any man & his wife shall be seized of any real Estate in her Right in fee Simple and issue shall be born alive of the Body of such wife, that may or might inherit the same and the wife die the husband shall have and hold such estate during his life as tenant by Curtesy any thing in this Act to the contrary Notwithstanding—

And be it further Enacted that when any person shall die Intestate having Estate in several Counties in this State Administration thereof shall be granted of the whole by the

Judge of Probate in the County where the deceased was last an Inhabitant—

And in case of a persons dying intestate who was not an inhabitant of this State but possessed of Real or personal Estate within the same at that event—Admin<sup>n</sup> of the same shall be granted by the Judge in the County where the greatest part thereof shall happen to be—

And be it further Enacted that when application shall be made to any Judge of Probate for Licence to sell any intestate Estate or any part thereof for the payment of the Demands against the Same before he grants such licence he shall cause the heirs to said Estate or their Guardians to be notified thereof and at what time & place they may be heard concerning the same—and if they will give bond with sufficient sureties for the payment of said Demands licence shall not be granted—otherwise the Judge shall grant licence to sell so much as to him shall appear necessary at public auction—And the administrator or administrators shall upon taking the Licence or previous to the Sale take the following Oath—I AB do solemnly swear that in disposing of the Estate of C.D. late deceased or such part thereof as I have Licence to sell, I will use my best Judgment in fixing on the time and place of Sale and will exert my utmost endeavours that the same shall be sold in such manner as will be of the greatest advantage to the heirs of said Estate and that without any sinister or selfish views whatever—and if such Oath be taken before a Justice the Administrator shall return a Certificate thereof from the Justice to the Judge before he allows the Administrators Account—

And be it further Enacted that if any person or persons before taking administration of any intestate Estate shall Embezzle or alienate any of the goods or Chattels belonging to such Estate every such person shall stand chargeable and be liable to the Actions of Creditors or other persons grieved as being executors in their own wrong to double the amount or value of the articles so alienated or embezzled—

And be it further Enacted that each Judge of Probate in his county be and hereby is fully empowered to call before him and to examine upon Oath any person suspected and complained of by any executor, or administrator heir creditor legatee or other person having lawful Right or claim to the Estate of any person deceased, to have concealed embezzled or conveyed away any of the money goods or chattels of the deceased, for discovery of the same—And if the person suspected and complained of refuses to appear before the said Judge or appearing refuses to be examined or to answer Interrogatories, upon oath, respecting said Estate it shall and may be lawful for, and the said Judge is hereby empowered to commit such person so refusing unto the common Gaol of the County there to remain until he or she shall

consent to be examined and answer interrogatories as aforesaid or be released by the Complainant or by order of the Superior Court of Judicature

And be it further enacted that each Judge of Probate within this State in his County shall have power and is hereby authorized to grant administration de bonis non when an Administrator shall be dead or absconded or become non compos mentis, or be otherwise incapacitated to carry on the administration not having settled the Estate—

And be it further Enacted that each Judge of Probate before he makes a Decree of allowance of the Account of any Administrator of an Intestate Estate shall cause a Major part of the heirs to such Estate or their Guardians to be notified that such Account is exhibited and when and where they may be heard thereon—

And be it further Enacted that in case any Creditors to any Estate shall neglect to exhibit his or her demand against said Estate to the Executor or Administrator within the term of two Years next after proving the will or taking administration if such creditor is an inhabitant of this State or within three Years if living out of this State such Demand shall be extinguished and the Creditor totally barred from recovering the same—saving to persons in Captivity a further allowance of one Year after the impediment is removed—

And be it further Enacted that where two or more persons administer on any intestate Estate & one or more of them take the greatest part of the Estate into his her or their hands & refuse or neglect to pay the Debts and funeral Charges of the Intestate or refuse to Account with the other Administrator he or she may bring an Action of Account against the other Administrator or Administrators and recover his or her proportionable part of such Estate—

And be it further Enacted that nothing in this Act shall affect any Settlement or distribution of any Estate heretofore made within this State—

And any person aggrieved at or dissatisfied with any Decree Sentence or order of any Judge of Probate by virtue of this Act made shall have Right to appeal therefrom to the Superior Court of Judicature provided such appeal be claimed within Sixty Days next after the making such Decree Sentence order or denial—and giving bond in a reasonable sum with sufficient Sureties to prosecute said appeal with Effect—and to pay costs in case such decree sentence order or denial shall be confirmed—

And be it further Enacted that if any such decree sentence order or denial shall upon such appeal be reversed or altered by the Supreme Court of Probate, cost shall be taxed for the Appellant—

And be it further Enacted that in case of an Appeal being



taken the person appealing shall immediately give notice in one of the New Hampshire Newspapers of the Appeals having been claimed and allowed and of the term at which said appeal is to be entered for trial—

And be it further Enacted that all writs of attachments and executions shall run only against the goods or estate of the party deceased in the hands of the administrator and not against his body, nor shall any administrator be held to Special bail upon mean process nor his own proper goods or Estate be seized or his person arrested or taken in execution for the debts of the intestate but upon suggestion of a waste and return made by the sheriff *nulla bona* or *devastavit* in which case a *Scire facias* shall be issued out of the Clerks office of the same court against such administrator; and *scire feci* being returned, if the administrator shall make Default of appearance, or coming in shall not shew sufficient cause to the contrary, execution shall be adjudged and awarded against him of his own proper goods and Estate, to the value of such waste, where it can be ascertained and otherwise for the whole sum recovered, and for want of goods or estate against his body—

And be it further Enacted that every Administrator shall make payment of the debts of the Intestate in specie, if such he hath, as assetts in his hands, and if he hath not the same he shall expose the estate to the creditor to take his satisfaction thereof at his election, the value of said estate to be ascertained by Appraisers mutually chosen and sworn—

And where judgment and execution shall be awarded for any Debt due from the intestate the same proceedings shall be had thereon as the law doth or shall hereafter direct for levying and satisfying executions in other cases—

And be it further enacted, That the several Judges of Probate in their respective Counties in this State, when and so often as there shall be occasion, be and hereby are empowered to allow of Guardians that shall be chosen by minors of fourteen years of age & upwards, and to appoint Guardians for such as shall be within that age taking sufficient Security of all such guardians for the faithful discharge of their trust according to Law; and to account either to the Judge or minor, when such minor shall arrive at full age, or at such other time as the Judge upon complaint to him made, shall see cause—

And be it further Enacted That the Act entitled “An Act for the Settlement and distribution of the Estates of Intestates be & here by is repealed—

Provided Nevertheless that all proceedings already had by virtue of said Act shall be good and valid, and all Orders and decrees of any Judge of Probate in pursuance thereof shall be carried into effect in the same manner as tho the same had not been repealed—

## [CHAPTER 43.]

*State of  
New Hampshire.* }

AN ACT FOR THE MORE EASY PARTITION OF LANDS AND OTHER  
REAL ESTATE—

[Passed February 4, 1789. Original Acts, vol. 11, p. 71; recorded Acts, vol. 5, p. 518. Laws, 1780 ed., p. 510; Perpetual Laws, 1789 ed., p. 101; Laws, 1792 ed., p. 236. Repeals the acts of July 3, 1766 and June 20, 1786.]

Whereas the Partition of Lands and other real Estate is often prevented or delayed by reason that Infants, or others under disability of making Partition by mutual consent and Deed, are interested; or that the Parties concerned are numerous, live remote from each other, & some of them are sometimes unknown—for remedy whereof:

Be it enacted by the Senate and house of Representatives in general Court convened, That upon the Application of any Person or Persons interested with others in any lot, tract or parcel of Land, or other real Estate (by themselves their Agents Attornies or Guardians) to the Judge of the Probate of Wills for the County in which such Land or real Estate or the greater part thereof lies, the said Judge be and he hereby is empowered to cause Partition of such land or other real Estate to be made and the Share or Shares of the Party or Parties applying to be divided & set off from the rest, by a Committee of five freeholders to be appointed by the said Judge; which Division and Partition being made & returned to the said judge under the hands of the said Committee or the major part of them upon Oath to their fidelity & impartiality therein and approved & allowed by him, and recorded in the Probate office for such County shall be valid & effectual & binding to all Parties—

And be it further enacted that when any tract of Land Mesuage or other real Estate shall be of greater value than either Partys Share or Proportion in the Estate to be divided, and cannot without great prejudice or inconvenience be sub divided, & part assigned to one, and part to another, the same may be settled or assigned to one of the parties, he or she paying to the other Party or Parties such sum or Sums of Money as by means thereof shall have less than his her or their Share of said Estate, as the Committee shall award, or giving bond with sufficient Sureties to pay the same within such time as the said Judge of probate shall limit with Interest till paid—

And be it further enacted that no Judge of Probate within this State shall proceed to order such Partition until it shall be made to appear to him that the several Parties interested have had due notice of such application (by being personally served

with a copy of the Petition for the Partition, or left at the last place of their abode, or that the substance of said Petition had been inserted in one or more of the New Hampshire news papers three weeks successively) and have had Opportunity to make their objections to the granting such Order, And Guardian or Guardians shall have been appointed according to law for any Minors, Persons non compos mentis, or otherwise incapacitated to take Care of their Estates, who are interested, if within this State; And an Agent or Agents appointed for such as are not within or Inhabitants of this State; to be advising on his or their behalf in the making such Partition. And the Committee appointed to make such Partition, shall, before their doing it, cause all concerned or their Guardians or Agents to be seasonably notified of the time when they shall proceed to make such partition that so (if they see meet) they may be present & advising therein

And be it further enacted that when Partition shall be made as aforesaid, if any one or more of the Parties interested shall neglect or refuse to pay his her or their just proportion of the Charges attending such Partition it shall and may be lawful for the Judge of Probate who ordered the same And he is hereby authorized to cause the same to be levied by his warrant of distress, provided an Account of such Charges be laid before him & the just proportion of the persons interested, settled & allowed by him, they having been duly notified to be present at such Settlement and Allowance—

Provided nevertheless that any party aggrieved at any order Decree or Denial of any Judge of Probate relative to the premises may appeal therefrom to the Supreme Court of probate for this State Provided that such appeal be claimed & taken within Sixty Days from the passing such order Decree or denial & bond given in a reasonable Sum with sureties to prosecute said Appeal with Effect & to pay the Appellee his reasonable Costs in case the said order Decree or Denial be affirmed And in case the Sentence Order decree or denial be reversed or altered the said Supreme court of probate shall tax costs for the appellant

And be it further enacted That an Act entitled “an Act for “a more easy and expeditious method of making partition of “Land or other real Estate held in common” and an Act entitled “An Act in Addition to and Amendment of, an Act for the more “expeditious method of making partition of Land, and other “real Estate held in common” be & hereby are repealed.

## [CHAPTER 44.]

*State of  
New Hampshire.* }

AN ACT APPOINTING SILVINAS READ ROGER GILMORE AND JAMES MCGREGORE ESQRS TO HEAR AND DETERMIN A DISPUTE NOW SUBSISTING BETWEEN ROBERT WIER AND SAMUEL ADAMS BOTH OF THE COUNTY OF CHESHIRE IN SAID STATE—

[Passed February 4, 1789. Original Acts, vol. 11, p. 72; recorded Acts, vol. 5, p. 521.]

Whereas Joseph Burt George Aldrich and Jedediah Sanger Esquires, were at a Superior Court held in Said county, in the year 1786, appointed Refferees in a Cause between the said Wier and s<sup>d</sup> Adams and after a hearing of the s<sup>d</sup> Cause they made report to the Next Superior Court after such hearing which was Confirm'd, and execution issued accordingly but the said Adams not being content there with Petitioned this court to have the Same vacated and Obtain'd an Act for that purpose with Liberty to Reenter his Action and have Tryal on the Merrits But Said Adams did not enter his Said Action in the time Limited in the Said Act neither has he any ways Satisfy'd the Said Judgment and as it may Serve both parties to have this dispute Settled

Be it therefore enacted by the Senate and House of Representatives in General Court Convein'd, that the Said Silvinas Read Roger Gilmore and James McGregor be and hereby are fully authorized and impowered to hear and determin the Said Cause between the said parties and when they have so done the Report of any two of them made to the then Next Superior Court to Set in Said County which Court, Shall Recive and Confirm the Same as in Cases of the like nature and Execution Shall issue accordingly which Report so made and Carried into Execution Shall be a final Settlement of all matters in dispute now Existing between the said parties any other Law now Existing to the Contrary thereof in any wise notwithstanding

And be it further enacted by the Authority aforesaid that the Said Silvinas Read is hereby directed & authorized to appoint the time and place of hearing the Said Cause and Notifye the Said parties duly to Attend Such Hearing and if After Such Notice but one of the Said parties Shall Attend Such hearing the Said Referees Shall notwithstanding Such delinquency proceed to hear the party present and Shall Report accordingly which Shall be held equally Vallid as if both parties wer present—

And be it further enacted by the Authority aforesaid That if but two of the said Referees shall attend According to the Notice to be given them as aforesaid, that those who do Attend Shall hear the Said Cause and their Report Shall be Equally

vallid as if they all had Attended but if in Case a Report to be made as aforesaid Shall not be presented to the Said Court at their Next Sitting nor at the Court which is to Set in Said County Next October that then and in Such Case either party Shall have Liberty to reEnter his Action at Said October Term and have Tryal on the Merrits as at the Begining and that a Copy of this Act Shall be presented to the Said Silvinas Read or left at his usual place of Abode by the said Wier within thirty days next after the Passing this Act that he may Notify a hearing Accordingly—

## [CHAPTER 45.]

*State of }  
New Hampshire. }*

AN ACT FOR ANNULLING CERTAIN DEEDS GIVEN BY JAMES SWAIN  
TO BENJAMIN VARNUM—

[Passed February 5, 1789. Original Acts, vol. 11, p. 73; recorded Acts, vol. 5, p. 522.]

Whereas upon hearing & considering the petition of James Swain together with the report of a Committee to whom the Same was referred it appears that the said James Swain made a Deed to the said Varnum dated about the Month of September 1783 of one Moiety of certain Lands in Portsmouth in the County of Rockingham & of other Lands in Berwick in the County of York & common-Wealth of Massachusetts & afterwards on the Eighth Day of May 1784 a Deed of the whole of the premises and induced the Said Swain to receive back a Deed of only one Quarter part Which Deed of one quarter he entrusted to Wentworth Cheswell & David Chapman both of New-Market in said County of Rockingham, who had obtained a Deed from the aforesaid Varnum and who still retain the Deed first given by the said Swain to the said Varnum which before mentioned Deed of the whole of said premises the said Cheswell and Chapman caused to be recorded & Still retain the Deed first given by said Swain to the said Varnum & will give no account of the Deed given back by Said Varnum of one Quarter part, and it appearing that the Said Deeds were illegally obtained and without any good or lawful Consideration and that the said Swain would be greatly injured & defrauded if the said Deeds were allowed to have force—

Therefore be it enacted by the Senate and house of Representatives in General-Court convened. That both the Deeds before mentioned given by the said Swain to the Said Varnum & all Subsequent Deeds founded thereon by & hereby are declared to be null & void & the said James Swain and his Heirs are hereby reinstated to their former Right in said premises in as full &

ample a Manner as though Said Deeds had never been made or executed any Law usage or Custom to the Contrary in any-wise notwithstanding.

Provided Nevertheless that if Wentworth Cheswell Benjamin Varnum & David Chapman or either of them shall within one Year from the Time of passing this Act exhibit on Account to the Justices of the Inferior-Court of common pleas for the County of Rockingham of the Sums which they or either of them in Reality have advanced or disbursed toward the purchase of Said Lands, which said Justices are hereby empowered to adjust after hearing the parties thereon—The Said Lands shall be held for Satisfaction of the Ballance or Ballances so found to be due to them or either of them any thing in this Act to the contrary thereof Notwithstanding—

[CHAPTER 46.]

*State of  
New Hampshire.* }

AN ACT FOR A GRANT OF LAND EQUAL TO EIGHT MILES SQUARE  
IN THE NORTHERLY AND UNLOCATED TERRITORY WITHIN THIS  
STATE TO THE TRUSTEES OF DARTMOUTH COLLEGE—

[Passed February 5, 1789. Original Acts, vol. 11, p. 74; recorded Acts, vol. 5, p. 524. Laws, 1780 ed., p. 512.]

Whereas the advancement of useful knowledge is of importance to the prosperity of this State; and as the Establishment of Dartmouth College has been, and probably will in future time be essentially conducive to that purpose; and whereas this Legislature, agreeably to the spirit of the Constitution; and also their own reflections, conceive that it will be of real advantage to mankind in general, and this State in particular to give their countenance and friendly aid to that useful Seminary.

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that a tract of Land equal in quantity to Eight Miles Square be granted to the Trustees of Dartmouth College, their Successors, and Assigns for the use and benefit of said College forever: And it shall be the duty of the Surveyor General (who shall be hereafter by us appointed) to locate and survey so soon as may be the said tract of Land in one parcel or body in the northerly part of this State, bounded on Connecticut River and Stuart Town, and as nearly in a square of Eight Miles as may be, to the approbation of the said Trustees; provided the said location shall not interfere with any tract of land which has been heretofore granted and chartered by the government of New Hampshire: And the President of the State for the time being is hereby empowered

and directed to give with advice of Council a Charter of said Land under the seal of this State, when located and surveyed as aforesaid, to the Trustees of Dartmouth College, their Successors and Assigns forever; the same to be always free and exempt from all public taxes.

And be it further enacted, that the President and Council of the State for the time being shall be and they are hereby incorporated with the Trustees of said College So far, as that they shall have a right to act with them as one Board in regard to the expenditures and applications of this grant, and of all others, which have been, or may hereafter be made by New-Hampshire—

### [CHAPTER 47.]

*State of  
New Hampshire.* }

AN ACT FOR CARRYING INTO EFFECT AN AGREEMENT BETWEEN  
ENOCH JOHNSON OF THE ONE PART & SAMUEL WHITE ESQ<sup>R</sup>  
& HIS SON SAMUEL WHITE JUN<sup>R</sup> ON THE OTHER PART—

[Passed February 5, 1789. Original Acts, vol. II, p. 75; recorded Acts, vol. 5, p. 526.]

Whereas Enoch Johnson of Henniker in the County of Hillsborough has petitioned the General Court sitting forth that the said Johnson in the year 1764 hired on loan £465 Hampshire Old tenor equal to dollars at about £6. 15/. each from Samuel White of Haverhill in the Commonwealth of Massachusetts Esq<sup>r</sup> to secure the repayment of which the said Johnson gave the said White a promissory note signed by himself and Ebenezer Noyes & Samuel Webster whom the said Johnson procured as bondsmen to s<sup>d</sup> White—That sometime about the year 1766 the said Johnson delivered to the said White a pair of steers valued at twenty silver dollars in part pay for said Note—That sometime about the year 1768 the said Johnson borrowed from said White six dollars for which the said Johnson gave an obligation to pay said White six pounds of good wool yearly for the interest of said six dollars till paid and to deliver s<sup>d</sup> White six good sheep for the said six dollars which annual interest was duly paid and delivered for a number of years and untill the principal was discharged in manner afores<sup>d</sup>—That the said White frequently demanded from the s<sup>d</sup> Johnson large sums for interest & to delay the payment of said note at different times up to the year 1777 which the said Johnson had not in his power (without great difficulty) to pay and discharge in money was therefor under the destructive necessity of giving his obligations from time to time for cows and calves to be paid &

delivered to said White at different periods three years from the dates of the respective obligations at such high interest as to double every three years till paid—That some few of said obligations have since been settled & notes given for cash to the amount of about fifty pounds lawful money the remaining part of said obligations (to the best of said Johnson's knowledge) amount in the whole to about ninety cows and as many calves payable at different periods in double that number—That sometime in the beginning of the year 1787 the said White called for pay and the said Johnson waited on said White in order to settle when the said White requested a deed of the said Johnson's farm in said Henniker for security and the said Johnson finding himself wholly in the power of said White and at the same time wishing to release the above-mentioned bondsmen from their suretiship was induced to consent on said White's agreeing to give up the old Hampshire money note & also to give the said Johnson a proper bond to give up the deed or reconvey the premises on a fair settlement so that the deed was to operate & have force of a mortgage only whereupon an absolute deed of sale with warranty was immediately presented to be executed by the said Johnson to Samuel White Jun<sup>r</sup> son of the said Samuel White Esq<sup>r</sup> of the said Johnson's farm in Henniker consisting of about one hundred acres of good land with buildings and good improvements thereon the whole estimated to be worth about one thousand hard dollars and the said Johnson not having any friend with him to advice with and not duly considering the matter inadvertently signed said deed and acknowledged the same before the said Samuel White Esq<sup>r</sup> which deed with the said Johnson's title deed of the same Farm being unrecorded the said Samuel White took & detained refusing to give up or cancel the said old note or to give the said Johnson a bond as aforementioned—That the said Samuel White Esq<sup>r</sup> & Samuel White Jun<sup>r</sup> utterly refused to return the said deeds or either of them to the said Johnson though requested So that the said Samuel White Esq<sup>r</sup> and son for the interest of the said £465 Hampshire-old tenor for the term of thirteen years artfully fraudulently & deceitfully extorted from the said Johnson (to the best of his knowledge) one pair of steers of the price of twenty dollars, notes of hand to the amount of about fifty pounds obligations for several hundred dollars worth of neat stock and real estate of the value of about three hundred pounds That after the aforementioned deed was executed the said Johnson's bondsmen to indemnify them against the said White took from the said Johnson all his cattle farming utensils blacksmith's tools & the most valuable part of his furniture—That by reason thereof the said Johnson in the decline of his life has had the little all of his dear earned property unrighteously taken from him, himself with an infirm wife & numerous off-



spring reduced to indigence & poverty Wherefore the said Johnson prayed that an Act might be made to vacate said deed given to said Samuel White Jun<sup>r</sup> and that the said Samuel White Esqr & his son Samuel White Jun<sup>r</sup> might not have it in their power to recover more from the said Johnson than judicious referees or the verdict of a Jury would give them The prayer of said Petition appearing reasonable & the said Samuel White Esqr & his son Samuel White Jun<sup>r</sup> by their Attorney Samuel Sherburne Jun<sup>r</sup> Esqr consenting to the following agreement to wit the said Enoch Johnson on the one part & said Samuel White Esqr and his son Samuel White Jun<sup>r</sup> each and both on the other part, That the Honorable Josiah Bartlet, Christopher Toppan and Nathaniel Folsom Esqrs or any two of them should be fully authorized & empowered to hear try and finally determine in equity and good conscience all disputes controversies debts dues damages covenants and demands whatever now subsisting between said parties & report debts & costs as to them shall appear equitable And that in case of the death absence refusal or other incapacity of any one of the said Referees that the Honorable John Sullivan Esqr shall supply such vacancy to all intents & purposes

Wherefore to carry said agreement into effect

Be it enacted by the Senate & House of Representatives in General Court convened That the Honorable Josiah Bartlet Christopher Toppan & Nathaniel Folsom Esquires or any two of them be and they hereby are fully authorized and empowered to hear try and finally determine in equity and good conscience all disputes controversies, damages, covenants, debts dues & demands whatever now subsisting between said parties—That said Bartlet (or in case of his death absence refusal of the trust or other incapacity, then and in such case either the said Toppan or Folsom) shall upon receiving a copy of this Act give due notice (as soon as may be) to said parties of the time and place for hearing and determining said matters of difference And that said Referees after such notice given shall proceed (whether both of said parties shall appear or not) to hear try and determine said disputes controversies, damages covenants debts dues and demands now subsisting between said parties and report under their hands in writing or any two of them for such sum or sums with Costs (if any) to them shall appear due from either of said parties to the other party, to the Inferior Court of Common pleas within and for the County of Rockingham as soon as may be And that it shall be the duty of said Court to receive said report enter up Judgment for the sum or sums so reported—And that from said Court there shall be no appeal, but that the judgment of said Inferior Court made agreeably to said Report on the premises shall be final and conclusive between said par-

ties, & executions shall issue accordingly any law usage or custom to the contrary notwithstanding.

And be it further enacted, That in case of the death, absence refusal or any other incapacity of any one of the aforesaid Referees then and in such case the Honorable John Sullivan Esquire be and he hereby is authorized and fully empowered to supply such vacancy to all intents and purposes—

And be it further enacted That if either of the aforesaid parties shall before the final determination of said Referees upon the premises aforesaid & the judgment of said Inferior Court of Common Pleas upon said Report bring an action or actions against the other party this Act shall be plead in bar to such action or actions, & the Court before whom such action or actions shall be commenced shall tax double costs against the Plaintiff or Plaintiffs provided a determination is made by said Referees upon the premises within one year from the passing thereof—

#### [CHAPTER 48.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO “AN ACT FOR ISSUING AN ALIAS EXECUTION AGAINST JOSEPH CLARKE LATE OF ANTRIM IN THE COUNTY OF HILLSBOROUGH YEOMAN AND TO ENABLE EPHRAIM BARKER TO MAKE RETURN THEREON IN THE ROOM OF “ONE WHICH WAS LOST”—PASSED 14 JUNE 1788.—

[Passed February 5, 1789. Original Acts, vol. 11, p. 76; recorded Acts, vol. 5, p. 530. See act referred to in the title.]

Whereas doubts have arisen concerning the Construction and Operation of said Act.—

for removal whereof,

Be it enacted by the Senate and House of Representatives in General Court convened That an Execution issued and returned agreeably to the directions of said Act shall be as valid and sufficient evidence in any Court of law within this State of the committment to prison of the said Joseph Clarke therein named as a return in the same words on the original Execution would have been.—

And be it further enacted by the Authority Aforesaid that nothing in said Act shall be construed to prevent John Caldwell McNeill therein named from recovering of the Sheriff of said County of Hillsborough Costs to be taxed in the usual form in any Action that was pending at the time of passing said Act before the Superiour Court of Judicature in Said County for the neglect of the said Barker for not serving and returning said

Execution—But the said John Caldwell McNeill shall have Judgment in said Court for Costs in said Action in the same manner as tho' said Act had not been made Any thing therein to the Contrary notwithstanding.—

[CHAPTER 49.]

*State of  
New Hampshire.* }

AN ACT TO GRANT TO OLIVER EVANS FOR A TERM OF YEARS  
THE EXCLUSIVE RIGHT OF MAKING AND SELLING WITHIN  
THIS STATE THE MACHINES HEREIN DESCRIBED

[Passed February 6, 1789. Original Acts, vol. 11, p. 77; recorded Acts, vol. 5, p. 491. Laws, 1780 ed., p. 485.]

Whereas Oliver Evans of New Castle County in the State of Delaware Miller, hath represented to this Court that he hath invented, discovered and introduced into exercise Two Machines for the use of Flour Mills, one of which denominated by Said Oliver Evans an Elevator, is calculated by its own Motion to hoist the Wheat or grain from the lower floor, and the Meal or Flour from the Stones of any Mill to the upper loft of Such Mill:—The other denominated an Hopper-Boy So constructed as to Spread the Meal over the floor of a Mill to cool, gather it up again to the Boulting hopper, and attend it regularly without the Assistancæ of Manual labour.—And as the Said inventions of the Said Oliver Evans will greatly tend to Simplify and render Cheap the Manufacture of Flour, as well In order to make compensation to the Said Oliver Evans for his ingenuity, trouble and expence in the Said Discoveries—

Be it enacted by the Senate and House of Representatives in General Court Convened, that from and after the passing this Act, the Said Oliver Evans his heirs and Assigns, Shall have the Sole and exclusive Right of Making and Selling within this State the Machines above described, agreeable to this New Method of Constructing and Making the Same for and during the full Space and term of Seven Years next ensuing fully to be compleated and ended

And be it further enacted by the Authority Aforesaid, That if any person or persons Shall make Sell or use, or cause to be made Sold or used within this State any Elevator or Hopper Boy upon the plan of the Said Oliver Evans and constructed as the Said Elevator or Hopper-Boy of the Said Oliver Evans are or in form Similitude or likeness thereof during the Said term of Seven Years without the Consent of the Said Oliver Evans his certain Attorney heirs or Assigns first had and obtained in writing, he, She or they So offending shall forfeit and pay to the

Said Oliver Evans his heirs or Assigns for every Such Machine so made Sold or used, or caused to be made Sold or used respectively the Sum of One hundred Pounds lawful Money of New-Hampshire to be recoverd with Costs of Suit in a proper Court to try the Same.

Provided always that Nothing in this Act containd Shall prevent any future General Court of this State from abolshing the exclusive Right granted to the Said Oliver Evans by this Act upon their paying to him the Said Oliver Evans, his executors Adm<sup>s</sup> or Assigns the Sum of Two Thousand Pounds in Gold or Silver Money.

And be it enacted by the Authority aforesaid That if any person who shall be convicted of having Made, Sold or used within this State either of the aforesaid Machines without the Consent of the Said Oliver Evans his heirs and assigns in writing, Shall Afterward without Such Consent make Sell or use such Machine or Machines again he, she or they so offending Shall forfeit and pay to the Said Oliver Evans his heirs and Assigns the Sum of One hundred & fifty pounds like lawful Money to be recoverd in Manner aforesaid

Provided Nevertheless that the Said Oliver Evans Shall within One Year from the passing this Act cause some person well instructed in the Art of constructing Said Machines to reside constantly within this State from and after the Said One Year untill the expiration of the Said Seven Years

#### [CHAPTER 50.]

*State of  
New Hampshire.* }

#### AN ACT TO PREVENT THE DESTRUCTION OF SALMON & SHAD IN CONNECTICUT RIVER—

[Passed February 6, 1789. Original Acts, vol. 11, p. 78; recorded Acts, vol. 5, p. 531. Laws, 1780 ed., p. 514; Perpetual Laws, 1789 ed., p. 139; Laws, 1792 ed., p. 352. See act of January 15, 1789. Repealed by the Act of January 9, 1795.]

Whereas by reason of the great number of seines Nets and Machines which are Constantly used during the fishing season, In taking Salmon & shad in Connecticut River, they have decreased for a Number of years past, and there is great danger that the fishing in said River will be destroyed

Be it therefore enacted by the Senate & House of Representatives in General Court convened that no person or persons from and after the passing of this act, shall catch any Salmon or Shad in any part of Connecticut River oftner or more than three days in a week, the days to be Tuesday Wednesday & Thursday in each week Namely from Sunrise on Tuesday to sunrise on Friday—

And Whereas the fishing, on or near to the Several Falls in the said River, called Bellows's Falls Quechae Falls White River Falls and fifteen Miles Falls tends Greatly to obstruct the fish in going up the falls aforesaid—

Be it enacted by the authority aforesaid, that from and after the passing this act, no fish shall be taken on the said Falls Called Bellows's Falls Quechae Falls and the Falls called White River Falls and the Falls called fifteen Miles Falls, except on Tuesday Wednesday & Thursday in each week, and from sunrise on Tuesday to sunrise on Friday, and if any person or persons shall catch any salmon or shad in Connecticut River, or shall drag any seine or drag net or use or set any scoop net or any other net or Machine for the purpose of catching any of said fish, at any other time or place then by this Act is allowed, in the said River within this state, every person so offending Shall forfeit and pay for each and every such offence the sum of ten pounds

And be it further enacted by the Authority aforesaid, that no person or persons whatsoever from and after the passing this Act shall catch any salmon or Shad with seines or with Nets more than twenty rods in length, in the said Connecticut River; and if any Person shall presume to fish in said River, with a seine or net exceeding the length of twenty rods he shall for each and every such offence forfeit and pay the sum of ten pounds

And Be it further enacted, That no person or persons from the first day of May to the last day of October Annually shall erect or build any Mill dam, ware or other Obstructions whatever upon or across the said River Connecticut or shall continue any such mill dam, ware or other obstruction wheresoever the same may have been, or may hereafter be erected during or within any part of the time in which they are above prohibited, so as to hinder the free passage of the said Fish Upon the penalty of twenty pounds for every dam ware or other Obstruction so erected, and for every Month so continued, to be recover'd and applied as aforesaid

And Be it further enacted, that all fines & forfeitures incurred by any Offence committed against this Act Shall enure the one Moiety thereof to the Use of the County in which said offence shall be committed and the other Moiety to him or them who shall make information of the same, and shall be recovered by Information, or Indictment in the Superior Court of Judicature

## [CHAPTER 51.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER EBENEZER THOMPSON ESQR TO COLLECT CERTAIN EXCISE DUTIES DUE & UNPAID IN THE COUNTY OF STRAFFORD—

[Passed February 6, 1789. Original Acts, vol. 11, p. 79; recorded Acts, vol. 5, p. 533.]

Whereas Elizabeth Hanson of Dover Widow of John Burnham Hanson & Ebenezer Thompson of Durham hath Petitioned the General Court Setting forth that the said John Burnham Hanson purchased the excise on Spiritous liquors & other excisable Articles in the County of Strafford for the Year last past & that the Petitioner Thompson was a partner in s<sup>d</sup> Purchase & proceeded Jointly in collecting said excise, that said Hanson died before the whole of said excise was collected. Wherefore they prayed that the said Eben<sup>r</sup> Thompson might be empowered to finish said Collection. And upon reading and considering said Petition the prayer thereof appearing reasonable. Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that the said Ebenezer Thompson be, and he hereby is Vested with power and Authority to all intents and purposes for compleating the collection of said excise and all matters relative thereto, as the said Hanson (by law) had in his lifetime.

## [CHAPTER 52.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE HONERBLE JOHN DUDLEY JOSHUA WENTWORTH CHRISTOPHER TOPPAN JOHN CALF AND SUPPLY CLAPP ESQUIRES TO HEAR AND DETERMIN CERTAIN MATTERS IN DIFFERENCE BETWEEN JONATHAN WARNER ESQ & RICHARD JENNES AND SIMON JENNES ESQUIRES

[Passed February 6, 1789. Original Acts, vol. 11, p. 80; recorded Acts, vol. 5, p. 535.]

Whereas a Memorial and Petition hath been presented to this Court bearing date the 5<sup>th</sup> day of November 1788 Setting forth among other things, That a dispute has Arrisen between the said Jonathan Warner on the one part and the Said Richard and Simon Jennes all of the county of Rockingham in Said State Esquires on the other part.—Concerning Some pass'd dealings

and accounts between Daniel Warner and Richard Jennes, both of Said State Esq<sup>rs</sup>, Deceas'd and the Said Jonathan Warner being administrator of his Fathers Estate, and the said Richard & Simon Jennes are administrators of the Estate of their Father Richard Jennes's Estate Therefore the said parties are interested in the settlement of the Said Deceas'd's accounts and in pursuance thereof the said Richard and Simon Jennes Gave the Said Jonathan their note of hand for the payment of the Sum of thirty Six pounds eight Shillings, L. Money in discharge of a Note given by their dec<sup>d</sup> Father to the s<sup>d</sup> Daniel Warner bearing date the thirty first day of october 1758, the principal thereof amounting only to fourteen pounds three Shillings and Six pence Like money, and after the Said Petitioners had Signed the Said Note, they discovered the old note was not on interest and as it had lane so long dormant, Suggested, that it might have been paid by their Father and on the said Jonathan's promising to rectify any Mistake or wrong then done when ever the Same Should be made to appear, they Suffered the said note to remain in the hands of the Said Jonathan, till they could make further Serch into those matters which they Soon did, and found demands of their late Father against the Said Daniel Warner Sufficant to discharge the s<sup>d</sup> old Note of which they immediately inform'd the Said Jonathan, but Could not prevail with him to release them from the s<sup>d</sup> new note, which has occasioned Sundry Law suits and disputes between them Some of which are now in Court and that the Said new note given to the said Jonathan, by the Said Petitioners, in lieu of the said old note given to the Daniel Warner by the said Richard Jennes Deceas'd may be Esteemed (in the reference hereby granted) of no more Vallue than the Said old was, and that all Matters of Diferance may be Justly Settled by the said parties—

Be it therefore enacted by the Senate and House of Representatives in General Court Conven'd, that the Said John Dudley Joshua Wentworth Christopher Toppan John Calf and Supply Clapp all of the said County of Rockingham in Said State, Be, and are hereby appointed Authorized and impowered fully and amply to hear the said parties on the Several Matters of dispute between them as herein mentioned and as are Set forth in the Said Petition taking up all Matters of difference now Subsisting between them whether it be of debt or costs which has arose on the Said deceas'ds demands against each other and Shall be finally Settled and determined by the aforesaid Persons, who are appointed by this act to Adjudge and determin the Same any three of them agreeing on a Report—

Which Report so made and Signed as aforesaid and the Same presented to the Superior Court of this State which Shall be held in the said County of Rockingham any time between the day of the date hereof and the first day of october next

and be by Said Court approved of shall be a final Settlement and determination of all Lawsuits disputes and differances now Substing between them, and the Judges of the said Superior Court on receving and confirming Such Report are hereby fully Authorized and impowered to issue Execution thereon as on Cases Originally entered in Said Court—

And be it further Enacted by the Authority afores<sup>d</sup> that the said John Dudley shall as soon as may be after having received a Copie of this act which shall be presented to him within twenty days next after its passing Notify the other Referees named in this act and also the said parties duly to Attend the time and place he Shall appoint to hear the said parties on the said Cause, and if in Case one of the said parties appear at the hearing of the Said Cause to be appointed and Notified as aforesaid and the other party shall not, That then and in such Case the said Referees shall proceed in the Same manner as tho both had Attended and a Report made and Signed as aforesaid shall be Equally Vallid as if both Parties had Attended

### [CHAPTER 53.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE INHABITANTS OF A PLACE CALLED PETERBOROUGH SLIP IN THE COUNTY OF HILLSBOROUGH TO ASSESS LEVY AND COLLECT MONEY FOR REPAIRING THE HIGHWAYS & BRIDGES IN SAID PLACE.—

[Passed February 6, 1789. Original Acts, vol. 11, p. 81; recorded Acts, vol. 5, p. 537. See act of June 19, 1789.]

Whereas the publick roads in said place are greatly out of repair and by the laws now in force it is doubted whether the said Inhabitants are enabled to raise money for the purposes of repairing them—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened That the Inhabitants of said place forever hereafter have and they hereby are invested with all the powers of incorporated Towns as far as relates to laying out high ways and assessing levyng and collecting any sum or sums of money they may at any meeting regularly warned And holden for that purpose judge necessary for laying out and repairing High ways and Bridges in said place—which sum or sums shall be expended & appropriated for that end and no other Any law usage or Custom to the Contrary notwithstanding—

And be it further enacted that from & after the Term of two years from the passing of this Act the said Inhabitants shall be



liable to the same fines and Penalties for not repairing roads & Bridges that Towns incorporated by law now are—Any law to the Contrary notwithstanding—

[CHAPTER 54.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING THE SUPERIOR COURT OF JUDICATURE OF THIS STATE TO HEAR AND TRY ANY CAUSES RESPECTING OR RELATING TO THE FORFEITURES OF LANDS WITHIN THIS STATE HERETO FORE GRANTED OR THAT MAY HEREAFTER BE GRANTED FOR NON PERFORMANCE OF THE CONDITIONS OF SUCH GRANTS TO DETERMIN AND GIVE JUDGEMENT THEREIN THAT SUCH FORFEITURE IS OR IS NOT INCUR'D AND TO JUDGE AND DECREE AS A COURT OF CHANCERY IN CERTAIN OF THE CAUSES AFORESAID—

[Passed February 6, 1789. Original Acts, vol. 11, p. 82; recorded Acts, vol. 5, p. 539. Laws, 1780 ed., p. 516; Perpetual Laws, 1789 ed., p. 109; Laws, 1792 ed., p. 71. See additional act of June 19, 1794.]

Whereas divers grants or Charters of Lands in New Hampshire have been made by the Supreme Executive Power to persons associating to Settle and improve Such Lands or to Individuals applying for Such grants all of which grants were made on Certain conditions of Settling Such Lands or making certain improvements thereon within a Limited time and Whereas some of the Lands so granted may have been or may yet be forfeited according to the Spirit and meaning of the Conditions Contain'd in or annexed to Such Grants or Charters by a non performance of said Conditions and Whereas the Same may hereafter take place respecting Similar grants that may be made by this State on conditions And Whereas the Liberty and Safety of the Subject require that Lands so granted should not be Entered upon and possessed or regranted upon Mere Suggestions without the intervention of Proofs and Tryal by Jury according to the Constitution and Laws to Ascertain the performance or non performance of Such Conditions Therefore, Be it Enacted by the Senate and house of Representatives in General Court Conven'd, That the Justices of the Superior Court of Judicature of this State Shall have full Power Jurisdiction and Authority throughout this State to hear try and determin all Causes and Matters that may come before them Touching the force and validity of any Such grants or the performance or nonperformance of Conditions annexed to or Contained in any Charters or grants made or that may be made as aforesaid or touching or concerning any of the matters aforesaid—

and the ordinary mode of Proceeding upon the matters afore-

said in the said Court Shall be as follows—Upon Complaint made in writing to the Chief or one other Justice of Said Superior Court by the Attorney General or any Other person empowered by the general Court in behalf of the State, that any Person or persons claiming Lands by virtue of any Charter or Grant as aforesaid have forfeited to the same by a non performance of the conditions of the grant or Charter thereof or upon a like complaint of any person or persons claiming Such Lands by another & Like grant of the Same and Suggestion of Such forfeiture as aforesaid made in Writing as aforesaid. a Summons Shall issue from Said Court tested by the Chief or one other Justice and Signed by the Clerk founded on said Complaint requiring the Person or Persons against whome it is made to appear and answer thereto before Said Court at the Next term or Session of the Same in the County where Such Land Lies which Sum'ons Shall be Served and returned as the Law requires in civil Causes—And in case the Complaint Shall be against a number of Grantees Claiming by the same grant each one may appear for himself and shall have liberty to make his Several plea, And upon Such person or persons Summoned as aforesaid appearing at said Court in Person or by Attorney and Making his her or their plea or answer to Said Complaint denying the matters therein alledged or pleading performance of the Conditions of the Grant and putting the issue to the Country, the Court shall proceed to hear and try the Cause and Commit it to Jury impannelled and Sworn to try the issue, who Shall make and return to the Said Court their verdict thereon generally or Specially as the fact to them on the evidence shall appear and if the person or Persons Sum'oned as aforesaid shall not appear the Court Shall notwithstanding hear the evidence and proofs adduced and try the Truth of the matters alledged and Set forth in the Complaint by a Jury as aforesaid—Provided always that when any person or persons other than those employed by & in behalf of the State who shall enter Complaint or prosecute any Suit in Said Court and Shall not Suport his title and Obtain Judgment in his favour Costs shall be taxed for the Defendant or defendants as in other Courts and Provided Also that said Complainant (not being employed by and in behalf of the State Shall previous to a Summons being issued give bond in a reasonable Sum with Sureties to pay all such Costs—And be it further enacted That when and so often as the verdict of the Jury in any Such Case Shall be, that the Conditions of the Grant have not been perform'd and that the Lands are forfeited, the Person or Persons against whom such verdict shall be found shall have liberty thereupon to shew to said Court, their Reasons if any they have, which shall be in writing why said Lands in Equity and good Conscience Should not be forfeited although by the Rigor of the Law a forfeiture be incured and Said Court shall

judge of the same according to Equity and Good Conscience: and if on mature deliberation the Court shall Judge the reasons so given to be Sufficient they shall briefly recite them in the Judgement rendered, which shall be in such case that such lands in Equity ought not to be and are not forfeited, But if no reasons be given or those offered be judged insufficient the Judgement Shall be that Said Lands are forfeited for the use of this State and if any reasons were given and determined to be insufficient the Same shall also be briefly recited in the Judgement. And the Said Court shall within thirty days after said Judgment rendered transmit the original verdict of the Jury Signed by the foreman after the same shall have been recorded together with a Coppy of their Judgement both attested by the Clerk and under the Seal of the Court to the Secretary of the State to be laid before the general Court at their next Session—

and be it further enacted that in all Cases where the lands found and declared to be forfeited by verdict and Judgement made rendered and transmitted as aforesaid shall not have been regranted by the same authority, Such Lands Shall thereupon be considered as being immediately upon and after the proceedings aforesaid in the Possession of this State without any Actual or formal entry thereon unless Some person or persons Shall be in the actual possession thereof and So much time hath elapsed during Such possession as would take away the entry of a private Person—

But in all Cases where the Lands so found and declared forfeited as aforesaid shall be or have been regranted as aforesaid Such Second or other grantee or grantees shall have liberty to appear in Said Court at and upon the rendering the Judgment of forfeiture as aforesaid and by his her or their Petition or Motion in Writing may set forth said regrant and his her or their performance of the Conditions of the Same and pray the Court to be heard thereupon and on the Matters respecting the improvements by him her or them made on Said Lands and the Court shall thereupon proceed to hear the Same and try and enquire by a Jury or by hearing the Proofs themselves at the option of Such Party whether said Conditions have been performed by such Second or other grantee or Grantees and of the improvement by him her or them made thereon and of the Nature of the same improvements—And upon Such performance being found and the Vallue of Such improvements being ascertained as aforesaid the Said Court Shall as a Court of Equity or Chancery maturely consider determin and decree what to Right and Equity belongs between the State and Such Second or other Grantee or Grantees Either that the State Shall before having Possession of such Lands pay to such Grantee or Grantees the Vallue of said Improvements or so much of the Same as Shall be tho<sup>t</sup> reasonable considering the Circumstances attending the taking

out Such Second or other Grant as well as all other Circumstances or that Such Grantee or Grantees Shall pay the State the Vallue of Said Lands—Considered as in an uncultivated State or as the Same were before said improvements were made and upon Such payment Shall hold and have all the Title of the State to Said Lands or the decree may be conditional, that Such Grantee or Grantees pay Said vallue of Said Lands and keep and hold the Same as aforesaid or Else receive the Vallue of the Improvements as aforesaid and deliver possession of Said Lands to the State at the option of Such grantee or grantees—And whenever it shall be Necessary to ascertain the Vallue of Such Land considered as unCultivated or as it was before Such improvements made the Same Shall be Enquired of and determined as is hereinbefore directed respecting the Vallue of Such improvements as aforesaid And Be it further Enacted that the said Court Shall Transmit Such their Equitable determination and decree in all Such Cases together with the Verdict and Judgement of Forfeiture as aforesaid to the Secretary as aforesaid any Thing herein before to the Contrary Notwithstanding—

And it is also Enacted that the Same proceedings Shall be had equitable or Conditional Judgement given and Allowance made for improvements in all Cases where the first Grantees are parties or Where the regrantees put in their Claim as aforesaid,—

And be it further Enacted by the authority aforesaid that if Such Grantees or regrantees Shall not Comply with and fullfill the Equitable determination or Decree of Said Court by delivering Possession of Such Lands to the Attorney General or agent for the State Specially appointed within thirty days after being paid the Said determind Vallue of his her or their improvements and being Thereto requested in Case the decree Shall order Such Compensation or Shall not pay to the S<sup>d</sup> Attorney General or agent within ninety days after Such decree made and request the determind and decreed Vallue of Said Land in its uncultivated State or as it was before Said improv<sup>ts</sup> made or Secure the payment thereof in cases where Such payment shall be decreed to be made by Such grantee or Grantees then and in every Such case upon Such neglect the Attorney General or any agent or Attorney Specially appointed may and Shall bring a writ of Scirifacias in the Same Court which Shall be considered and Shall be a Court of Chancery for that purpose to repeal Such Second or other Grant or Charter made without any forfeiture being found by inquest and if the Same Shall be repealed the Land so regranted Shall be Considered as immediately in Possession of the State unless in cases where the Entry of a Private person would have been unlawfull and in Such Cases an Action Shall be brought by the State for the recovery of the Possession of Said Land & the

State whensoever it Shall have Possession of any Land which had been before granted may Grant the Same—

and Be it further Enacted that in all Cases where a forfeiture Shall have been found and declared by Verdict and Judgement made rendered and Transmitted as aforesaid of Lands which have not been granted a Second time if the person or persons who claimed the same by Virtue of a grant as aforesaid Shall enter upon or hold Possession thereof after the proceedings aforesaid an Action Shall be brought by the State for the recovery of the Possession unless Such Lands shall have been granted by Mistake after proceedings aforesaid being had and while the Same was in Possession of the State

and be it further Enacted that the Jurors Attending Said Court and Trying the Matters and Causes aforesaid Shall be paid out of the Treasury of the State the Same Sum for Travel as Jurors have by Law in other Civil Causes and the foreman the Sum of five Shillings—and each other Juror the Sum of four Shillings <sup>per</sup> day for and during their Attendance at Said Court

And be it further Enacted that the said Justices of the Said Superior Court Shall have Power to issue venuries for Juries to Attend Said Courts to Try all Causes and Matters herein before directed to be Tried by a Jury in the manner directed by Law in civil Cases And the Said Court Shall have power and Authority and power and Authority is hereby given to the Justices of said Court to appoint from time to time as Occasion Shall require, Terms in each County in this State for hearing and Trying the Matters and Causes aforesaid at which any person or persons complain'd of as aforesaid may be Summoned to appear and answer as aforesaid or the Justices of Said Court may adjourn from the Terms now Stated by Law or from Such Terms So by them Appointed for the purposes aforesaid of which all persons concerned are to take notice and Govern themselves accordingly—

#### [CHAPTER 55.]

*State of  
New Hampshire.* }

AN ACT FOR ESTABLISHING A DEED GIVEN BY JONATHAN MOULTON LATE OF HAMPTON IN THE COUNTY OF ROCKINGHAM ESQR DECEASED TO WINTHROP SMITH OF OSSIPPEE

[Passed February 6, 1789. Original Acts, vol. 11, p. 83; recorded Acts, vol. 5, p. 545.]

Whereas Winthrop Marston of Ossipea hath Petitioned the general Court setting forth that the said Winthrop Smith conveyed to him by Deed a hundred Acres of Land in New

Hampton in said County of Strafford being the Lot Numbred Six in the third Range in New Hampton in the County of Strafford by virtue of which Deed he entered upon the Land & having made considerable Improvements thereon sold the same to one James Huckings by Deed of warranty but the said Winthrop Smith not having recorded the Deed of said Lands Executed by Jonathan Moulton Esqr from whom the said Winthrop first, purchased the same gave up the said Deed to the said Moulton by means of which fradulent giving up the aforesaid Deed to the said Moulton the Title of the said Marston is totally destroyed and the said Huckings soon afterward commenced an Action of covenant broken and recovered Judgment against him for a very Large Sum which has thrown him into the greatest Distress and praying that the Deed given by the said Moulton to the said Smith may be Established The prayer of which petition appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court convened That the Deed given by the said Jonathan Moulton to the said Winthrop Smith of one hundred Acres of Land lying in New Hampton in the County of Strafford being part of the Lot No Six in the third Range which was originally laid out to Jeremiah Eastman & sold by said Moulton to said Smith, by said Smith to said Marston & afterward by said Marston to Joseph Mudgell by Deed Dated the first day of September 1778 be and hereby is established and the said Marston and his assigns are Established & confirmed in their right to the said premises in as full and ample a manner as if the said Deed had been entered of record at the Time when the said Winthrop Smith conveyed the same to the said Marston any Law usage or custom to the contrary thereof in any wise notwithstanding

#### [CHAPTER 56.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO PREVENT THE DESTRUCTION OF SALMON SHAD AND ALEWIVES IN MERRIMAC RIVER, AND FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE—

[Passed February 6, 1789. Original Acts, vol. 11, p. 84; recorded Acts, vol. 5, p. 547. Laws, 1780 ed., p. 523; Perpetual Laws, 1789 ed., p. 140. This act repeals the acts of April 9, 1784 and June 26, 1786. See additional act of January 16, 1790. Repealed by the act of June 18, 1790.]

Whereas the laws heretofore made for preventing the destruction of Salmon Shad and Alewives in Merrimac River have not sufficiently answered the good intentions of the same—

Be it therefore enacted by the Senate and House of Representatives in General Court convened, That no person or persons from & after the passing this Act, shall catch kill or destroy any Salmon Shad or Alewives in any part of Merrimac River within this State, or in any of the waters falling thereinto oftener or more than two days in a Week, the days to be Wednesday and Thursday in each Week, namely from Sunrise on Wednesday to Sunrise on Friday, on penalty of forfeiting forty shillings for each Fish so caught kill'd or destroyed on any other day—

And be it further enacted that no person or persons from the first day of May to the last day of October annually shall erect or build any Mill-dam ware or other obstruction whatever upon or across the said River Merrimac, or the streams falling into the same where the said Fish usually pass, or where they have heretofore passed, so as thereby to prevent the free passage of the fish in said River or streams, or shall during the term aforesaid continue any such Mill-dam ware or other obstruction where-soever the same may have been, or may hereafter be erected, upon the penalty of twenty pounds for every Mill-dam ware or other obstruction so erected, & for every Month so continued, and in that proportion for a longer or shorter time, than the said Term of one Month—

And be it further enacted That no person or persons shall on any day, or at any time whatever, catch, kill or destroy, any Salmon Shad or Alwives within twenty Yards of any Mill-dam, or Sluiceway in said River, or in any waters or streams falling into the same on penalty of forfeiting forty shillings for each fish so caught kill'd or destroyed—

And be it further enacted That a Justice of the peace and the Selectmen for the time being, of each & every of the Towns, lying upon or adjoining unto the said River Merrimac, or any of the streams or waters falling into the same, where the said Fish annually pass, or have heretofore passed, be and they hereby are fully authorised & empowered in their respective Towns to demolish, carry away or otherwise utterly destroy any such Mill-dam ware or other obstruction whatever, that now is, or may be erected or continued as aforesaid, upon or across said River, or any of the streams aforesaid, which do or may in any manner obstruct or impede the said Fish, or prevent their free passage up and down the said River or streams at any time between the first day of May and the last day of October annually as aforesaid. The Selectmen still having liberty in their own name to prosecute any person or persons, who have caught kill'd or destroyed any Fish or who have erected any Mill-dam, ware or other obstruction contrary to this Act—

And be it further enacted That the Selectmen aforesaid shall be under Oath, for the faithful discharge of their duty in putting this Act, and every part thereof in Execution—

And be it further enacted, That if the Justice of the peace, or any of the Selectmen of the Town where such Mill-dam ware or other obstruction shall be made erected or built, are interested in, or owners of, or in part owners of the same—A Justice of the peace and the Selectmen of some other Town, adjoining unto the said River Merrimac, or any of the streams or waters falling into the same, where the said Fish annually pass, or have heretofore passed, be and they hereby are as fully authorised to demolish carry away or otherwise destroy such Mill-dam ware or other obstruction, as the Selectmen are in their respective Towns in and by this Act—

And be it further enacted, That if the said Justice of the peace, and any of the Selectmen aforesaid shall neglect his or their duty in this respect, or refuse to put this law in Execution for the space of four days after Complaint made to him or them by any two Inhabitants of the respective Towns aforesaid, he, or they shall forfeit & pay the sum of forty pounds for each & every offence—Provided always, that when said Justice, or any of the Selectmen aforesaid, on Complaint being made to them as aforesaid, have viewed such obstructions and are of opinion that the passage of said Fish is not hindered or impeded thereby, they or either of them shall not be compelled to repair to such place a second time, unless complaint shall be made of some new obstruction, any thing to the contrary in this Act notwithstanding—

And be it further enacted that all fines and forfeitures incurred by any Offence against this Act, shall enure the one moiety thereof to the use of the County in which said Mill stands, & the other moiety to him or them who shall make information of the same, & shall be recover'd by Action of debt, information or indictment, in any Court proper to try the same—

And be it further enacted that the Justice & Selectmen aforesaid may & shall from time to time authorise persons owning Mills, & erecting Mill-dams with Sluiceways, which do not in their opinion obstruct the course and passage of said Fish, to continue the same, and shall be judges of what are obstructions, & what are not, and a certificate under the hands of such Justice & Selectmen, that such Mill dams with sluiceways do not obstruct the course & passage of said Fish, shall be plead in bar to any Action of debt, information or indictment in any Court where the same may be for trial—

And be it further enacted, That if any Justice of the Peace Selectman or Selectmen, or any other person employed by them, for the purpose of demolishing carrying away or destroying any mill-dam ware or other obstruction aforesaid, shall be prosecuted sued or molested, for or in consequence of having demolished removed or destroyed the same in pursuance of this Act, he may on trial for the same plead the general Issue, & give this



Act in evidence, which shall be deemed a complete and final Bar—

And Be it further enacted, That an Act to prevent the destruction of Salmon Shad & Alewives in Merrimac River passed April 9th 1784 And an Act in amendment of, & addition to, the same Act, passed June 26th 1786 be and they hereby are repealed.—

[CHAPTER 57.]

*State of  
New Hampshire.* }

AN ACT, TO ENABLE CLEMENT MARCH AND STEPHEN MARCH ESQRS TO REMOVE THE TRYAL OF AN ACTION WHICH JONATHAN CHASE ESQR BROUGHT AGAINST THEM IN THE COUNTY OF CHESHIRE, TO THE COUNTY OF HILLSBOROUGH—AND ALSO, FOR THE SAID CHASE TO REMOVE THE TRYAL OF AN ACTION BROUGHT AGAINST HIM IN THE COUNTY OF ROCKINGHAM BY THE SAID CLEMENT & STEPHEN TO BE TRY'D IN THE SAID COUNTY OF HILLSBOROUGH—

[Passed February 7, 1789. Original Acts, vol. 11, p. 85; recorded Acts, vol. 5, p. 493. See act of January 29, 1789.]

Whereas the Said Jonathan Chase Com'enced a Suit against the Said Clement and Stephen, for Covenant broken, to be try'd in the inferior Court of the County of Cheshire, held in the year 1787, which Action is now pending in Said Court—

And Whereas, the Said Clement and Stephan commen'd an Action against the said Jonathan Chase, some time in the year 1785 to be try'd at the inferior Court of the County of Rockingham, which acction, after being, there entered, was carr'd, to the then next superior Court, held in Said County, where a Reference of Said cause took place, Report made, return'd & Confirm'd by the said Court, and was by a Law of this State Set aside—And all the said partys agreeing to have Tryalls in both Said Causes in the County of Hillsborough in Said State—

Be it Therefore Enacted by the Senate and House of Representatives in General Court Convein'd, That the Said Clement March and Stephen March both of the Said County of Rockingham in Said State, be and hereby are enabled and fully authorized to apply to the Clerk of the inferior Court of the said County of Cheshire and procure the Copies of all the papers relative to the said cause and the same bring to the Clerk of the inferior Court of the County of Hillsborough and the Said Clerk Shall enter the Said Action in Said Court and Said Court is hereby authorized and fully empowered to Sustain hear and try said Action in the name of Jonathan Chase against Clement March and Stephen March and the s<sup>d</sup> Parties shall at the Said Court plead in the

Same manner as if the said cause had originated, there—and also have liberty of appealing as in other Cases—And

Be it further enacted that the said Jonathan Chase of Cornish in the Said County of Cheshire in Said State Esq<sup>r</sup> be and hereby is enabled and fully authoriz'd and impowered, to apply to the Clerk of the Superior Court of s<sup>d</sup> State who is hereby directed, and Authoriz'd to enter the Said Action, in the entrys for the said County of Hillsborough and bring forward the entrys and papers relative to the same so as the Said parties may have Tryal there by Jury, in the Same manner as though it had been Try'd in the said County of Rockingham—And

Be further Enacted by the Authority aforesaid, that if the Said Clement and Stephen shall not make an entry of the Said Action in the Inferior Court next to be hild in the Said County of Hillsborough, (which Court is hereby fully empowered to Sustain and try Said Action) so as the same be there Try'd—the said Cause, Shall not be try'd in the said County of Hillsborough afterward, but in the County where it Originated and if the Said Jonathan Chase shall not make an Entry of the s<sup>d</sup> Cause brought against him as aforesaid, So as the Same may be Try'd in the Superior Court Next to be held in the Said County of Hillsborough and bring forward the Necessary papers for the Same, the Said Cause Shall not afterward be Try'd in the Said County of Hillsborough, but in the County of Rockingham Where it Originated—

## [CHAPTER 58.]

*State of  
New Hampshire.* }

### AN ACT FOR REDUCING THE NUMBER OF THE TIMES FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE WITHIN THE GENERAL COUNTIES IN THIS STATE

[Passed February 7, 1789. Original Acts, vol. 11, p. 86; recorded Acts, vol. 5, p. 551. Laws, 1780 ed., p. 527; Perpetual Laws, 1789 ed., p. 49. See act of March 25, 1782. Repealed June 20, 1792.]

Whereas the holding said Court four times a Year in each County in said State as by law required is not only unnecessary but attended with great Expence and loss of Time—

Be it therefore Enacted by the Senate & house of Representatives in General Court convened that the said Court be held in each County within this State twice in a Year and no more—and that the times for holding said Court be the same as now fixed next before the holding the Superior Court of Judicature in said Counties respectively, and that all recognizances Appeals & other matters which were to have been returned to & might

have been sustained by the Court at the term hereby vacated shall be returned to & Sustained by the said Court at the next term hereby established as fully to all intents & purposes as if they had been originally returnable & cognizable at the said Term—

And be it further enacted that the Justices of the said Court of general Sessions of the Peace at the next term of their holding the said Courts in their respective Counties, as by this act ordered, be & they hereby are authorized to determine & Settle the term for the general granting of licences for the year & the time of calling in new grand Juries for their respective Counties—

And be it further enacted that all laws heretofore made, concerning the said Court, so far as they respect the holding said Court four times a year be & they hereby are repealed—

Provided nevertheless this Act, so far as it respects the County of Rockingham, shall not take effect untill the first day of September next—

#### [CHAPTER 59.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE ISRAEL MOREY ESQR TO REVIEW AN ACTION  
ORIGINALLY BROUGHT BY JONATHAN MOULTON DECP AGAINST  
SAID MOREY—

[Passed February 7, 1789. Original Acts, vol. 11, p. 87; recorded Acts, vol. 5, p. 552. See act of June 16, 1788.]

Whereas Israel Morey Esqr hath Petitioned the General Court setting forth that at the Superior Court of Judicature holden at Portsmouth in the County of Rockingham on the fourth Tuesday of April 1786, the said Moulton then being alive recovered Judgment in an action of Trespass against the said Morey for the sum of Fifty four pounds eight shillings damage and Cost of Court Taxed at Seven pounds two shillings and Eleven pence, That the said Moulton afterwards purchased his writ of Execution and issued the same to be Levied on said Moreys Land, That said Judgment was recovered against him on account of his not at that time being able to make such Defence as is now in his Power to make, That it is now in his Power to procure Evidence sufficient in his Opinion to reverse said Judgment—That the time allowed by Law for reviewing said Action is not expired, but that it is doubtful whether an Action can be reviewed after the death of one of the parties, tho' within the time limited by Law without the Interposition of said Court and praying the said Court to enable him to bring forward and prosecute an action of Review of the Action aforesaid against

the said Moultons Executors and that the said Superior Court may be required to sustain, hear, try determine and render Judgment in said Action of reveiw when brought forward and entered in said Court in the same manner as they might do was said Moulton now living, which Prayer appearing reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court Convened, that the said Morey be and he hereby is fully authorized and Impowered to bring forward and prosecute an Action of Review of the action aforesaid, against said Executors at the next Superior Court of Judicature to be holden at Portsmouth within and for the County of Rockingham on the fourth Tuesday of April next and the said Court are hereby fully authorized and directed to sustain hear try determine and render Judgment in said Action of Review when brought forward and entered in said Court in the same manner as said Court might have done, in case said Moulton was now living any Law usage or custom to the contrary in any wise Notwithstanding—

#### [CHAPTER 60.]

*State of  
New Hampshire.* }

AN ACT FOR RAISING FIFTY SEVEN THOUSAND TWO HUNDRED AND SIXTY EIGHT DOLLARS IN INDENTS AND FIVE THOUSAND POUNDS IN SPECIE FOR DEFRAYING THE CHARGES OF GOVERNMENT THE CURRENT YEAR AND OTHER CONTINGENCIES AND AGREEABLY TO AN ACT OF THE GENERAL COURT PASSED THE TWENTY EIGHTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY SEVEN—

[Passed February 7, 1789. Original Acts, vol. 11, p. 88; recorded Acts, vol. 5, p. 554. Laws, 1780 ed., p. 529.]

Whereas it is necessary that a sum of money should be raised to discharge the interest of the domestic debt and for defraying the charges of government the current year

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened That there be and hereby is granted agreeably to a resolve of Congress of the twentieth day of August last Fifty seven thousand two hundred and sixty eight dollars to be paid in Indents which sum with one thousand nine hundred and ninety dollars (being one years interest of the Final Settlement Notes the property of this State) amounts to this State's quota of the Requisition of Congress made the twentieth day of August last which last sum the Treasurer is hereby directed to pay to the Loan Officer on or before the first day of July next & take his receipt for the same—

And be it further enacted That the sum of Five thousand pounds in specie or the Presidents orders on the Treasury be and hereby is raised for defraying the charges of Government the current year and other contingencies & for the purposes mentioned in an Act of the General Court passed the twenty eight day of September in the year of our Lord one Thousand seven hundred and eighty seven—

And the Treasurer is hereby directed to issue his warrants to the Selectmen or assessors of the several towns parishes and districts in this State according to the proportion act passed this Session of the General Court for the assessing and collecting of said sum—And the selectmen and assessors thereof are hereby respectively required to assess and levy the same and cause the same to be paid into the Treasury of this State as follows—viz—

The aforesaid sum of Fifty seven thousand two hundred and sixty eight Dollars in Indents to be paid by the first day of July next and the remaining sum of Five thousand pounds by the first day of January next—

And the said Assessments shall be made according to each persons poll and rateable estate which he shall have and be possessed of on the first day of April next And Indents issued for the interest of the Domestic debt, and orders drawn by the President on the Treasurer shall be received in payment of the aforesaid sums respectively as well by the Constables and Collectors as by the Treasurer aforesaid—

## [CHAPTER 61.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT FOR CARRYING INTO EFFECT  
AN ORDINANCE OF CONGRESS OF THE THIRTEENTH OF SEP-  
TEMBER 1788 RELATIVE TO THE CONSTITUTION OF THE UNITED  
STATES PASSED THE 12TH OF NOVEMBER LAST—

[Passed February 7, 1789. Original Acts, vol. 11, p. 89; recorded Acts, vol. 6, p. 1. Laws, 1780 ed., p. 531; Perpetual Laws, 1789 ed., p. 170. See act of November 12, 1788.]

Whereas it is necessary that some further Provision should be made for filling up vacancies that may happen in the representation of this State to the Congress of the United States

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened That all vacancies of Representatives to Congress that shall happen by death resignation or other wise shall be filled up in manner following to wit—Upon Notice of any such Vacancy the President for the time being by & with

the Advice of Council Shall issue Precepts to the Select Men of the Several Towns & parishes plantations & places unincorporated in this State requiring them to warn the Inhabitants of their respective Towns parishes plantations & places to meet on a certain day in said Precept to be mentioned to vote for a Representative or Representatives to fill up such Vacancy And such meetings shall be notified warned & governed And the Votes received Sorted counted certified & returned in the Same manner as the said Act directs by a certain day in said Precept to be mentioned And the Secretary shall lay said Votes before the President & Council at their first meeting After the same shall have been returned As Aforesaid to be by them examined And if a choice by a majority of Votes shall have been made the same shall be declared and the Person or Persons so chosen shall be notified of their Appointment in the manner said Act directs— But if no such Choice Shall be made by the People then the said President and Council shall issue a new Precept which shall contain a number of names out of the Candidates voted for, who have the highest number of Votes—equal to double the number wanting—in which Precept the said Select men shall be required (on a certain day in said Precept to be mentioned) to assemble the Inhabitants of their respective Towns parishes plantations And places to give in their Votes out of the Number so returned by the President And Council for the Representatives wanting which Votes shall be returned at the time and in the manner as shall be directed in said Precept and the Persons having the greatest number of Votes shall be declared elected as aforesaid

And the respective Sheriffs and Town Clerks shall be liable to the same Penalties for neglect of the duties enjoined on them in pursuance of this Act as they are in said Act—

#### [CHAPTER 62.]

*State of  
New Hampshire.* }

AN ACT FOR MAKING AND ESTABLISHING A NEW PROPORTION OF THE PUBLIC TAXES, AMONG THE SEVERAL TOWNS PARISHES AND PLACES WITHIN THIS STATE; AND TO AUTHORIZE THE TREASURER TO ISSUE HIS WARRANTS FOR LEVYING THE SAME ANNUALLY—

[Passed February 7, 1789. Original Acts, vol. 11, p. 90; recorded Acts, vol. 6, p. 2. Laws, 1780 ed., p. 532; Perpetual Laws, 1789 ed., p. 206. See act of November 9, 1784 and act of February 22, 1794.]

Whereas a new proportion of the public Taxes is necessary  
Be it enacted by the Senate and House of Representatives in General Court convened, that the proportion to every thousand

pounds of the public Taxes, which each Town parish and place within this State shall annually pay, and for which the Treasurer is hereby authorized and directed to issue his warrants shall be as follows—viz<sup>t</sup>—

## FOR THE COUNTY OF ROCKINGHAM

Allenstown. One pound eight shillings	£1,,8 ,,0
Atkinson. Four pounds ten shillings	4,,10,,0
Bow. Three pounds four shillings & Six pence	3,,4 ,,6
Brintwood Ten pounds seventeen shillings & four pence	10,,17,,5
Candia Eight pounds two shillings & four pence	8,,2 ,,4
Canterbury. Eight pounds four shillings & seven pence	8,,4 ,,7
Chester Sixteen pounds two shillings & ten pence	16,,2 ,,10
Chichester Three pounds four shillings & nine pence	3,,4 ,,9
Concord Twelve pounds seven shillings & eleven pence	12,,7 ,,11
Deerfield Twelve pounds six shillings & two pence	12,,6 ,,2
East Kingston Four pounds two shillings & three pence	4,,2 ,,3
Epping. Thirteen pounds three shillings & eleven pence	13,,3 ,,11
Epsom Five pounds twelve shillings & eight pence	5,,12,,8
Exeter Fifteen pounds ten shillings & two pence	15,,10,,2
Greenland Six pounds Six shillings	6,,6 ,,0
Hampstead Five pounds nineteen shillings	5,,19,,0
Hampton Eight pounds nineteen shillings & Seven pence	8,,19,,7
Hawke Four pounds seventeen shillings & three pence	4,,17,,3
Hampton Falls Five pounds nineteen shillings & five pence	5,,19,,5
Kensington Eight pounds sixteen shillings & nine pence	8,,16,,9
Kingston Eight pounds eleven shillings & one penny	8,,11,,1
Londonderry Twenty pounds fifteen shillings & three pence	20,,15,,3
Loudon Six pounds fourteen shillings & eight pence	6,,14,,8
Newington Four pounds seventeen shillings & nine pence	4,,17,,9
Newmarkett Nine pounds sixteen shillings	9,,16,,0
New Castle One pound five shillings & nine pence	1,,5 ,,9
Newtown Three pounds sixteen shillings & nine pence	3,,16,,9
Northfield Three pounds eighteen shillings & one penny	3,,18,,1
North Hampton. Six pounds two shillings & eleven pence	6,,2 ,,11
Northwood Five pounds nineteen shillings & three pence	5,,19,,3

Nottingham Eight pounds thirteen shillings & Six pence	£8.,13.,6
Pelham Seven pounds four shillings & Six pence	7.,4 .,6
Pembroke Seven pounds ten shillings & eleven pence	7.,10.,11
Plastow Four pounds five shillings & five pence	4.,5 .,5
Poplin Five pounds eight shillings & two pence	5.,8 .,2
Portsmouth Twenty Six pounds fifteen shillings & three pence	26.,15.,3
Pittsfield Five pounds seven shillings & ten pence	5.,7 .,10
Raymond Six pounds four shillings & eight pence	6.,4 .,8
Rye-Six pounds eight shillings & nine pence	6.,8 .,9
Salem Nine pounds two shillings & one penny	9.,2 .,1
Sandown Five pounds five shillings & five pence	5.,5 .,5
Seabrook Four pounds nine shillings & four pence	4.,9 .,4
South Hampton Five pounds twelve shillings & Six pence	5.,12.,6
Stratham Nine pounds eleven shillings	9.,11.,0
Windham Five pounds eight shillings & eight pence	5.,8 .,8

## FOR THE COUNTY OF STRAFFORD

Barnstead. Four pounds eighteen shillings & Six pence	£4.,18.,6
Barrington. Fourteen pounds six shillings & eight pence	14.,6 .,8
Conway. Three pounds seven shillings & three pence	3.,7 .,3
Dover. Fourteen pounds thirteen shillings & two pence	14.,13.,2
Durham. Ten pounds sixteen shillings & two pence	10.,16.,2
Eaton. One pound sixteen shillings & two pence	1.,16.,2
Effingham One pound twelve shillings & five pence	1.,12.,5
Gilmantown Fifteen pounds four shillings & five pence	15.,4 .,5
Lee. Eight pounds two shillings & one penny	8.,2 .,1
Locations. Samuel Stark three pence	3
Archbald Stark two shillings & five pence	2.,5
Hugh Sterling two shillings	2.,0
Madbury. Five pounds eight shillings & nine pence	5.,8.,9
Meredith. Six pounds & seven pence	6.,0.,7
Middleton Three pounds eight shillings & Six pence	3.,8.,6
Moultonborough. Four pounds ten shillings & ten pence	4.,10.,10
New Durham. Three pounds eighteen shillings & nine pence	3.,18.,9



New Durham Gore. Three pounds one shilling & two pence	£3,,1 ,,2
New Hampton. Three pounds ten shillings & ten pence	3,,10,,10
Ossipee. One pound twelve shillings & six pence	1,,12,,6
Rochester. Nineteen pounds eleven shillings	19,,11,,0
Sanborntown. Eleven pounds fourteen shillings & three pence	11,,14,,3
Sandwich. Seven pounds thirteen shillings & eleven pence	7,,13,,11
Somersworth Eight pounds fourteen shillings & ten pence	8,,14,,10
Tamworth. Two pounds three shillings two pence	2,,3 ,,2
Tuftonborough. Eighteen shillings & seven pence	18,,7
Wakefield. Four pounds sixteen shillings & two pence	4,,16,,2
Wolfborough. Three pounds fourteen shillings & three pence	3,,14,,3

## FOR THE COUNTY OF HILLSBOROUGH

Amherst Sixteen pounds four shillings & four pence	£16,,4 ,,4
Andover. three pounds fifteen shillings & seven pence	3,,15,,7
Antrim. Three pounds six shillings & eight pence	3,,6 ,,8
Bedford. Six pounds fifteen shillings & nine pence	6,,15,,9
Boscawen. Seven pounds eleven shillings & four pence	7,,11,,4
Bradford. One pound eight shillings & six pence	1,,8 ,,6
Campbell's Gore. twelve shillings & ten pence	12,,10
Deering Four pounds thirteen shillings & four pence	4,,13,,4
Derryfield Two pounds ten shillings & four pence	2,,10,,4
Dunbarton Five pounds seventeen shillings & five pence	5,,17,,5
Dunstable. Five pounds three shillings & two pence	5,,3 ,,2
Duxbury One pound three shillings & six pence	1,,3 ,,6
Fishersfield Two pounds & one penny	2,,0 ,,1
Francistown Five pounds two shillings	5,,2 ,,0
Goffstown Seven pounds seventeen shillings & seven pence	7,,17,,7
Hancock. Two pounds eleven shillings & six pence	2,,11,,6
Henniker Six pounds eight shillings & three pence	6,,8 ,,3
Hillsborough Four pounds nine shillings & four pence	4,,9 ,,4
Holles. Nine pounds & two pence	9,,0 ,,2
Hopkinton. Twelve pounds nineteen shillings & two pence	12,,19,,2
Keasearge Gore. Ten shillings & Six pence	10,,6
Litchfield Three pounds & four pence	3,,0 ,,4

Lyndborough Eight pounds eleven shillings & two pence	£8,,11,,2
Mason Six pounds two shillings & eight pence	6,,2 ,,8
Merrimack. Five pounds twelve shillings & five pence	5,,12,,5
New Boston. Seven pounds five shillings & nine pence	7,,5 ,,9
New Ipswich. Nine pounds fourteen shillings & seven pence	9,,14,,7
New London. Two pounds eleven shillings & six pence	2,,11,,6
Nottingham West. Seven pounds ten shillings & three pence	7,,10,,3
Peterborough Seven pounds Seven shillings	7,,7 ,,0
Peterborough Slip. One pound eighteen shillings & ten pence	1,,18,,10
Raby. One pound nineteen shillings & four pence	1,,19,,4
Salisbury. Ten pounds four shillings & nine pence	10,,4 ,,9
Society Land One pound four shillings & ten pence	1,,4 ,,10
Sutton Two pounds ten shillings & ten pence	2,,10,,10
Temple Four pounds eighteen shillings & seven pence	4,,18,,7
Warner Four pounds eighteen shillings & seven pence	4,,18,,7
Weare. Twelve pounds seventeen shillings & seven pence	12,,17,,7
Wilton Seven pounds nineteen shillings & nine pence	7,,19,,9
Land between Peterborough & Lyndborough Five shillings & nine pence	5 ,,9

## FOR THE COUNTY OF CHESHIRE

Acworth. Three pounds fifteen shillings & ten pence	£3,,15,,10
Alstead Six pounds eighteen shillings & five pence	6,,18,,5
Charlestown Eight pounds eleven shillings & eight pence	8,,11,,8
Chesterfield Eleven pounds sixteen shillings & seven pence	11,,16,,7
Claremont Nine pounds & three pence	9,,0 ,,3
Cornish Five pounds seventeen shillings	5,,17,,0
Croydon Two pounds eighteen shillings & seven pence	2,,18,,7
Dublin. Five pounds eight shillings & six pence	5,,8 ,,6
Fitzwilliam Five pounds seventeen shillings & ten pence	5,,17,,10
Gilsom One pound fifteen shillings & seven pence	1,,15,,7
Hindsdale Three pounds one shilling & nine pence	3,,1 ,,9
Jaffrey Seven pounds twelve shillings & five pence	7,,12,,5
Keene. Nine pounds nineteen shillings & Six pence	9,,19,,6

Langdon One pound eleven shillings	£1,,11,,0
Lempster Three pounds one shilling & ten pence	3,,1 ,,10
Marlborough Four pounds seventeen shillings & two pence	4,,17,,2
Marlow One pound eighteen shillings	1,,18,,0
New Grantham One pound sixteen shillings & ten pence	1,,16,,10
Newport—Four pounds eight shillings & one penny	4,,8 ,,1
Packersfield Four pounds & three pence	4,,0 ,,3
Plainfield Five pounds seventeen shillings	5,,17,,0
Protectworth One pound thirteen shillings & ten pence	1,,13,,10
Richmond Eight pounds seven shillings & four pence	8,,7 ,,4
Rindge Seven pounds fourteen shillings & seven pence	7,,14,,7
Stoddard Three pounds eight shillings & one penny	3,,8 ,,1
Surry Three pounds twelve shillings	3,,12,,0
Sullivan One pound ten shillings & three pence	1,,10,,3
Swanзей Eight pounds thirteen shillings & ten pence	8,,13,,10
Unity Two pounds eighteen shillings & ten pence	2,,18,,10
Walpole Nine pounds four shillings & eleven pence	9,,4 ,,11
Washington Three pounds three shillings	3,,3 ,,0
Wendell One pound nine shillings & eight pence	1,,9 ,,8
Westmorland Ten pounds four shillings & eleven pence	10,,4 ,,11
Winchester Nine pounds eight shillings & four pence	9,,8 ,,4

## FOR THE COUNTY OF GRAFTON

Alexandria. Two pounds one shilling & three pence	£2,,1 ,,3
Bath. Two pounds eleven shillings & eleven pence	2,,11,,11
Bridgewater One pound seventeen shillings & two pence	1,,17,,2
Cambridge ten shillings & three pence	10,,3
Campton Three pounds six shillings & ten pence	3,,6 ,,10
Canaan Two pounds six shillings & two pence	2,,6 ,,2
Cardigan Eighteen shillings	18,,0
Catham Eight shillings & one penny	8 ,,1
Cockburn Ten shillings & three pence	10,,3
Cockermouth Two pounds eleven shillings & six pence	2,,11,,6
Colburne Ten shillings & three pence	10,,3
Coventry Fifteen shillings & Six pence	15,,6
Dalton Ten shillings & three pence	10,,3
Dartmouth Ten shillings & three pence	10,,3
Dorchester One pound two shillings & five pence	1,,2 ,,5
Dummer Ten shillings & three pence	10,,3

Enfield Four pounds eight shillings	£4,,8 ,,0
Errol Ten shillings & three pence	10,,3
Franconia Twelve shillings & ten pence	12,,10
Grafton Two pounds	2,,0 ,,0
Gunthwait alias Concord Two pounds & three pence	2,,0 ,,3
Hanover Six pounds one shilling & three pence	6,,1 ,,3
Haverhill Four pounds ten shillings & four pence	4,,10,,4
Kilkenny Ten shillings & three pence	10,,3
Lancaster Eighteen shillings & one penny	0,,18,,1
Landaff One pound twelve shillings & four pence	1,,12,,4
Lebanon Six pounds & four pence	6,,0 ,,4
Lincoln Ten shillings & three pence	10,,3
Littleton One pound & seven pence	1,,0 ,,7
Locations Thomas Chadbourn. Three pence	3
J Goffe. Three pence	3
M. H. Wentworth. Three pence	3
S. Sherburne. Three pence	3
T. Dame. Three pence	3
J. Hurd. Three pence	3
V Royse. Five shillings & six pence	5 ,,6
Lyman One pound five shillings & nine pence	1,,5 ,,9
Lyme Three pounds seventeen shillings & nine pence	3,,17,,9
Millsfield	
New Chester Two pounds & eight pence	2,,0 ,,8
New Holderness. Two pounds thirteen shillings & ten pence	2,,13,,10
Northumberland Ten shillings & three pence	10,,3
Orford. Three pounds five shillings & Six pence	3,,5 ,,6
Peeling. Fairfield Ten shillings & three pence	10,,3
Percy. Ten shillings & three pence	10,,3
Piermont Two pounds sixteen shillings & Six pence	2,,16,,6
Plymouth. Five pounds six shillings	5,,6 ,,0
Rumney. Two pounds sixteen shillings	2,,16,,0
Shelburne Ten shillings & three pence	10,,3
Stratford Ten shillings & three pence	0,,10,,3
Success. Ten shillings & three pence	10,,3
Thornton Two pounds eight shillings & ten pence	2,,8 ,,10
Trecothick Ten shillings & three pence	10,,3
Warren One pound eight shillings & five pence	1,,8 ,,5
Wentworth One pound eight shillings & five pence	1,,8 ,,5
Burton thirteen shillings & Six pence	13,,6

## LOCATIONS.

William Stark Eight shillings & three pence	8,,3
Philip Baley. Two shillings & eight pence	2,,8

Majr Hale	Nine pence	£	9
Robert Furnis	one penny		1
Samuel Gilman	three pence		3
Charles Rogers	Two pence		2
Gridley	Two pence		2
Gray's	Four pence		4
David Gilman	Ten pence		10
Andrew McMillan	One shilling & two pence		1,,2

And be it further enacted by the authority aforesaid. That the said proportion shall be for all public Taxes, until a new proportion shall be made and established: and that the Treasurer for the time being issue his Warrants accordingly—

And whereas sundry of the aforementioned places are not incorporated, and have no legal authority to assess and collect the sums to be raised:

Be it therefore enacted. That Ebenezer Smith & David Page Esqrs or either of them for the County of Strafford; John Duncan & Robert McGregor Esqrs or either of them for the County of Hillsborough; Moses Chase & Elijah Frink Esqrs or either of them for the County of Cheshire; Moses Dow and Jeremiah Eames Esqrs or either of them for the County of Grafton—are hereby severally appointed and authorized to call Meetings of the Inhabitants of all such places, in their respective Counties, which are not incorporated, giving public notice thereof, by causing a notification, setting forth the time, place, and occasion of such meeting, to be posted up publicly in said place fourteen days at least before the time of holding such meeting, to chuse Selectmen, and all such Officers as are necessary for assessing and collecting public Taxes; which meetings shall be holden in said places respectively, by the first day of July next and the Officers chosen at said Meetings, shall be invested with all the authority for the purpose aforesaid, as such officers in Towns incorporated within this State, are by Law invested with; and the Selectmen chosen at said Meetings, shall call the Meeting of the Inhabitants of their respective places, to be held within the same, on the last Monday in March to chuse all Officers necessary for the purpose aforesaid, for the next year, and so on annually, until a new proportion of the public Taxes shall be made and established. And the Officers so chosen shall be under Oath for the faithful discharge of the duty of their respective offices, and shall have the same power and authority in the same as the like officers in towns incorporated in said State, are by law invested with, and shall be liable to the same penalties for neglect of their duty, as the like Officers in said incorporated Towns, are by law liable to—

And the Inhabitants of such places shall be indulged with one

Month longer, before they pay their State Tax, than those places which are incorporated—

And whereas the inventories of several Towns And places mentioned in this Act owing to their being but thinly Inhabited or not inhabited at all do not amount to thirty pounds—and it is reasonable that a different mode of collecting the taxes on such Towns and places should be prescribed

Be it therefore enacted by the authority aforesaid, That the Treasurer of this State for the time being shall at the time of Issuing his Warrants annually for the Taxes of said Towns & places give public notice in the New Hampshire Gazette and in some one of the Boston News papers, of the sum apportioned to, and to be paid by the owners, collectively, of the lands in said Towns and places requiring that the same be paid into the Treasury, by the same time that other Towns are to pay their said Taxes; and that if the same is not paid accordingly, so much of their lands will be sold as will pay said Tax with incidental charges. And if said Taxes are not paid by the time prescribed, the Treasurer shall make Sale of so much of said Land at public Vendue as will pay said Tax with incidental charges; first advertising the time & place of Sale in the News papers aforesaid, three Weeks successively—

### [CHAPTER 63.]

*State of  
New Hampshire.* }

#### AN ACT TO ENCOURAGE THE MANUFACTURING OF PAPER WITHIN THIS STATE—

[Passed February 7, 1789. Original Acts, vol. 11, p. 91; recorded Acts, vol. 6, p. 10. Laws, 1780 ed., p. 551.]

Whereas Eliphalet Hale of Exeter has at great expence erected a paper Mill in Exeter aforesaid and whereas the making paper within this State will prevent considerable sums of Money being drawn out of the same—

Be it Therefore enacted by the Senate and House of Representatives in General Court convened That the paper Mill aforesaid, shall be exempted from all Taxes duties & impositions whatever, for the term of ten Years from this time—

And be it further enacted That the said Eliphalet Hale and his heirs and Assigns shall have an abatement annually for the term of ten Years in his her or their taxes, for as many poll Taxes as he she or they shall usually & usefully employ of proper workmen to the satisfaction of the Selectmen of said Exeter, in making paper—

Provided always, That the benefit of this Act shall not be

extended, to any or either of them, for longer time than the same Paper Mill shall, in the Judgment of the said Selectmen of Exeter be usually & properly improved in making paper—

[CHAPTER 64.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH AN EQUITABLE METHOD OF MAKING RATES AND TAXES & DETERMINING WHO SHALL BE LEGAL VOTERS IN TOWN AND PARISH AFFAIRS AND FOR REPEALING CERTAIN ACTS HEREIN AFTERMENTIONED.—

[Passed February 7, 1789. Original Acts, vol. 11, p. 92; recorded Acts, vol. 6, p. 11. Laws, 1780 ed., p. 545; Perpetual Laws, 1789 ed., p. 212. Repeals act of June 12, 1784 and all acts therein named. See additional acts of December 28, 1791, January 5, 1792 and January 17, 1796. Repealed June 20, 1792.]

Whereas it is necessary that there should be an equitable rule established by law for making rates and taxes within this State so that every person may be compelled to pay in proportion to his or her estate And also for ascertaining who Shall be legal Voters in Town and Parish meetings.—

Be it therefore enacted by the Senate and House of Representatives in General Court convened that henceforward all publick rates and Taxes shall be made and assessed in proportion to the Amount of each Persons poll & rateable estate which shall be as follows viz All male polls from Eighteen to Seventy years of age shall be estimated at ten Shillings each—Horses and Oxen which have been wintered five winters three Shillings each, Cows which have been wintered five winters two Shillings each Cattle and Horses which have been wintered four winters One Shilling and Six pence each—Cattle and Horses which have been wintered three winters One shilling each Cattle and Horses which have been wintered two Winters Six pence each.—All improved lands to be estimated as follows—viz Orchard One shilling & six pence  $\frac{1}{2}$  acre accounting so much for an acre as will produce ten Barrels of Cyder or Perry one year with another—Arable land One Shilling  $\frac{1}{2}$  acre accounting so much land as will generally produce twenty five bushels of Indian Corn or other Grain equivalent  $\frac{1}{2}$  year to be one acre:—mowing land one Shilling  $\frac{1}{2}$  acre accounting so much land for one Acre as will produce one year with another one Tun of english Hay or other Hay equivalent—Pasture land at five pence  $\frac{1}{2}$  acre accounting so much land as will summer a Cow to be four acres—All Mills Wharves and ferries shall be estimated at one twelfth part of their neat yearly income And all other buildings and the unimproved lands owned by the Inhabitants and the non residents to be taxed

at the rate of half of one  cent according to the real value thereof all Stock whether it be the property of a Tanner Currier Blacksmith or other Tradesman employed in the business of their Trade according to the value thereof or money in hand, or at Interest more than the Owner gives Interest for (except what is due on public Securities) And all money improved in Trade Shall be estimated at the rate of three quarters of one  Cent—

And no State Town or parish Tax shall be held legal but such as shall be made according to the foregoing proportion. And if any Person conceives him or herself agrieved by any Assessment made by any Selectmen or Assessors except in the Case herein aftermentioned he or she shall have liberty to apply to the Court of General Sessions of the peace for abatement if denied of redress by the Selectmen—

Provided nevertheless that this Act shall not affect any parish Taxes where particular laws Authorize a different mode for Taxing them nor shall it extend to or affect any Proprietary Taxes.—

And the Selectmen of each Town or Parish in this State in the month of April Annually shall take an Invoice of each Persons poll and estate in manner aforementioned.—

And in Case any person shall remove to any other Town or Parish After the Invoice is taken he shall pay his Tax that year where his Invoice was first Taken.—

And if any Person or Persons not belonging to this State shall come to reside or Inhabit in any Town or Parish within the same for the benefit of trading altho' for a less time than one year Such Person or Persons Shall and may be assessed one years rate for his or their Polls and such Stock as he or they may bring or have in Trade at the Time of making his or their Rates whether on their own account or on Commissions.—

Every male Inhabitant twenty One years old & upward paying Taxes shall be deemed a legal Voter in all Affairs of the Town or Parish where he dwells—And if any Person or Persons in any of the Towns or Parishes in this State shall refuse to render an Account on Oath if required which Oath any Select man may Administer of his or their rateable estate the Selectmen or the Major part of them may set down to such Person or Persons as much as they shall judge equitable by way of doomage And make their Rates or Taxes accordingly from which Doomage there shall be no Appeal unless such Person or Persons are unable to exhibit such account And are ready to make Oath that that is really the Case.

And be it further enacted by the Authority Aforesaid That the Inhabitants of Portsmouth in this State shall exhibit to the Select Men thereof Annually at such Time and place as they shall appoint within the Term aforesaid each one a just and



true Account of his Poll and rateable estate According to this Act.—And the several Parishes in said Town of Portsmouth shall have liberty at their Parish meetings to raise their Ministerial and parochial Taxes in any manner they shall judge proper

And the Selectmen and Church Wardens of the several Towns & Parishes within this State shall have liberty to make abatements of any persons rates as shall or may Appear to them to be equitable & just.—

And be it further enacted that the Selectmen of the several Towns and Parishes in this State shall take the Invoice of Polls and rateable estate according to what the said Inhabitants shall have or be possessed of on the first day of April Annually.—

And be it further enacted by the Authority Aforesaid that it shall and may be lawful for the Select men or Assessors of the several Towns parishes or places within this State to assess all buildings and unimproved lands owned by non residents in their respective Towns and places their just proportion of the State and County Taxes estimating them as is before directed.—

And whereas the mode of collecting Taxes so assessed on the lands of nonresidents should be made as plain and as little expensive as possible—

Be it therefore enacted by the Authority aforesaid that in all Towns and places where the owners of such lands are not resident therein and are known they shall be Assessed for the Taxes aforesaid in proportion to their Interest And in Case the owners of such lands are unknown then the same lands shall be assessed in the name of the Original Proprietor or owner thereof And each lot where lands are divided into lots shall be set down in the list of Taxes And the said Assessment being made as aforesaid And the same being delivered to the Constable or Collector of the Town or place wherein the same lands lie the said Constable or Collector shall forthwith forward to the person Appointed by the State to receive the same a Copy Attested by the Select men or Assessors of the list of Taxes laid on the unimproved lands And buildings of nonresidents within his Town or place to wit the Owner's name if known and if unknown the name of the Original Proprietor or owner together with the Number of each lot quantity of land And the several sums at which the said lots and other parcels of land shall be assessed to wit the State & County Taxes in separate Columns And the said Person whose duty it is or shall be to receive the same shall immediately advertise three weeks successively in the New Hampshire Gazzette and also one of the Boston Newspapers thereby informing All Persons concerned that he has received said list and requiring all such owners or Proprietors to pay their Taxes to him or to the Constable or Collector of the Town or place wherein the lands lie within eight weeks notifying also that in default thereof so much

of the lands of each delinquent proprietor or owner will at the end of said Eight weeks be advertised for sale as will pay Said Taxes and all legal Charges And the said Person so advertising is hereby Authorized to receive the same and the sum of five 5 Cent for his trouble for all sums by him so collected And at the end of said eight Weeks he shall as soon as may be return a Copy of said list to the Constable or Collector from whom he received it retaining in his hands the Copies so attested by the selectmen or Assessors specifying in said Copy to be returned who have paid their Taxes and who are delinquent And at the same time forward to the said Constable or Collector the money he hath collected belonging to said Town or place for the County Taxes And the residue thereof pay to the Treasurer of this State for the use thereof taking the said Treasurers receipt therefor in behalf of said Town or place after which the said Constable or Collector Shall advertise so much of the delinquent Proprietor's or owner's land for sale as will pay said Taxes with necessary incidental Charges giving at least three weeks notice of the time and place of such sale by publishing the same in the New Hampshire Gazette and also by posting up a like advertisement for the Term Aforesaid in some public place in the Town or place wherein the lands advertised for sale lie and in the two adjacent Towns.—

And in Case the said delinquent Proprietor or owner Shall neglect to pay the Aforementioned Taxes laid on his her or their land with the necessary incidental Charges to the said Constable or Collector before the sale then the said Constable or Collector shall on the day Appointed proceed to make sale at public Auction of so much of the delinquents land as will pay said Taxes with the necessary incidental Charges provided the sale be made between the hours of ten of the Clock in the forenoon and six of the Clock in the Afternoon—And in Case all the sales cannot be compleated within the hours mentioned on said day the said Constable or Collector may adjourn the sale (publickly proclaiming the same) from day to day not exceeding three days

And the said Constable or Collector is hereby Authorized to execute a valid conveyance of the land so sold to the purchaser—

Provided nevertheless and be it further enacted that each non resident aforesaid his Heirs or Assigns shall have the liberty of redeeming any of his land or buildings sold as aforesaid at any time within the Term of one year from the sale thereof as aforesaid paying or tendering to the Purchaser a sum amounting to the real value for which the lands or buildings were sold with the Interest therefor untill the time of payment or tender as aforesaid together with the Cost of the deed or deeds and recording if any such be given and recorded

The mode for redeeming such lands and buildings shall be the same as the law prescribes for the redemption of lands mortgaged.—

And whereas it often happens that more than one person is interested in a right or Proprietor's Share of land, or some one lot, part of such share held in common and undivided and one or more being Owner or owners in such land shall pay his her or their proportion of Taxes According to their Interest And some other owner or Owners in the same land being delinquent in paying their proportion of such Taxes shall Occasion some part of such lands to be sold for the unpaid Taxes

Therefore Be it enacted that the land Sold in such Cases shall be only the undivided right of the delinquent Owner or Owners—

And be it further enacted that an Act to establish an equitable method of making rates and Taxes and determining who shall be legal Voters in Town and parish affairs and also for repealing certain Acts therein mentioned be and the same with all the Acts mentioned therein hereby are repealed Provided nevertheless that all proceedings pursuant to said Acts already had shall be valid as tho' the same had not been repealed

And be it further enacted that the form of the Constable or Collector's deed shall be as follows viz<sup>t</sup>,

Know all Men by these presents that I                    in the County of                    in the State of New Hampshire Collector of Taxes of & for the                    in said County, for the Year                    by virtue of sundry Acts & laws of said State, relating to levying and collecting Taxes of nonresident proprietors of land in the several Towns and parishes in said State, for and in consideration of the sum of                    to me in hand paid before the delivery hereof by                    Have given granted and Sold, & by these presents do give grant sell & convey unto him the said                    his heirs and assigns forever—                    he the said                    being the highest bidder for the same at public Vendue, duly notified and held at                    at the dwelling House of                    aforesaid, for the Sale of lands in said                    belonging to such nonresident Proprietors or owners as are delinquent in paying the said Taxes assessed thereon—To Have and to Hold the said granted premises, with the appurtenances thereof to him the said                    his heirs & assigns in fee simple forever. And I the said Collector as aforesaid, do in my capacity, agree to & with the said                    his heirs and assigns, to warrant and defend the said premises to him the said                    his heirs and assigns, against the lawful claims & demands of any person or persons whomsoever, saving & reserving only to the owner or proprietor their heirs or assigns the right of redemption according to Law, any thing in this deed to the contrary notwithstanding—In Witness whereof I do hereunto set my hand & Seal, the day of                    Anno Domini 17  
Signed Seal'd and deliverd }  
in presence of }

## [CHAPTER 65.]

*State of  
New Hampshire.* }

## AN ACT TO ENCOURAGE THE MAKING OF NAILS WITHIN THIS STATE

[Passed February 7, 1789. Original Acts, vol. 11, p. 93; recorded Acts, vol. 6, p. 17. See act of September 12, 1787.]

Whereas a general manufacturing of Nails within this State would prevent great Sums of money being sent abroad for purchasing that necessary Article; and may be a mean of employing many poor people whose time Will otherwise be mispent & totally lost to themselves and the Community—

Be it therefore enacted by the Senate and house of Representatives in general Court convened that for every hundred thousand of wrought Nails, which any person or persons shall make or cause to be made in his or their work Shop within this State, such person shall be entitled to & have and receive out of the Treasury of this State the Bounties following, viz<sup>t</sup> for every hundred thousand of twenty penny Nails, Six pounds; for every hundred thousand of ten penny nails, five pounds; for every hundred thousand of Six penny Nails, four pounds; for every hundred thousand of four penny nails three pounds—

And be it further enacted that his Excellency the President of this State be, & he hereby is authorized to draw orders upon the Treasurer, in favour of the person or persons, who shall be entitled to the respective bounties aforesaid; Provided such person or persons produce to him a certificate under the hands & Seals of the Selectmen or the Major Part of the Selectmen of the town Parish or Precinct where such person dwells, & countersigned by the nearest justice of the peace, that such person has bona fide made or caused to be made in his workshop the number of nails aforesaid and so toties quoties—

And be it further enacted that if any person shall fraudulently obtain any such certificate such person shall forfeit & pay three fold the sum to which he might be entitled by virtue thereof, to be recovered by action of Debt by any Person who will sue for the Same one half for the use of this State the other half for the person who shall prosecute for the Same—

This Act to continue in force for the term of three years and no Longer

VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of  
New Hampshire.* }

In the House of Representatives, January 9, 1789.

The Committee on the Resolves of Congress respecting General James Reid reported that Gen<sup>l</sup> James Reid receive half pay as an Invalid up to this time in Specie orders payable out of the State or Continental Taxes & that he be inrolled in the list of Invalids and receive his pay annually in the Same manner until the further order of Congress or of this House and that the Same be deducted from time to time out of the existing requisitions of Congress for Specie Taxes—agreeably to their Resolves of the Second of October last.

Senate concurred January 14, 1789.

*State of  
New Hampshire.* }

In the House of Representatives, January 15, 1789.

Whereas the next term of the Inferior Court of Common pleas for the County of Rockingham will probably interfere with the present session of the General Court as many persons attending the General Court are under equal Obligations to attend business at said Common pleas—

Wherefore Resolved by the Senate and House of Representatives in General Court convened that the said Inferior Court of Common pleas to be holden at Portsmouth in & for said County on the first Tuesday of February next be and hereby is adjourned to the first Tuesday of March next, and that all writs Executions, recognizances, appeals actions and processes of every kind returnable to and Sustainable at said Court at said Adjournment in like manner to all intents and purposes as if the Same Court had not been adjourned—and that all parties concerned take notice & govern themselves accordingly any Law to the contrary notwithstanding—

Senate concurred January 15, 1789.

*State of  
New Hampshire.* }

In the House of Representatives, January 17, 1789.

Whereas by a vote of the Legislature of this state of the 15<sup>th</sup> Instant all Invalids were ordered to be paid as other Invalids have been paid, and by a vote of the Sixteenth Instant respecting General James Reids pay it is ordered he shall receive half pay according to the Resolves of Congress, upon which two votes some doubts may arise as to the manner of General Reids pay—to remove which and to carry into effect the real design of said last mentioned vote though not expressed therein

Voted that General James Reid be paid in the Same manner as other Invalids have and shall be paid agreeably to the tenor of the said vote of the 15<sup>th</sup> Instant

Senate concurred January 17, 1789.

*State of* }  
*New Hampshire.* }

In the House of Representatives, January 24, 1789.

\*Whereas the chair of Government by the resignation of his Excellency John Langdon Esquire has been vacated and whereas the Constitution hath in that event declared that the Senior Senator shall during such vacancy have and exercise all the powers and authorities which by the said Constitution the President is vested with when personally present—and the constitution hath not explicitly declared what the stile and title of such Officer shall be when the chair of Government and doubts have arisen on this Subject—Resolved that it is the opinion of the General Court that when the chair of Government shall be vacated by the resignation of the President the Stile of the said Senior Senator whilst in the chair of Government shall be The President of the State of New Hampshire & his title his Excellency—

Senate concurred January 24, 1789.

\* President Langdon had been elected a United States Senator by the Legislature.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 27, 1789.

Whereas the Resolve passed the 12<sup>th</sup> of June last for raising a Company of Light Horse in the 12<sup>th</sup> Regiment of Infantry commanded by Col<sup>o</sup> Daniel Rand would if carried into effect in Some measure derange the System and regulation before that time made for raising the third Regiment of Cavalry—Therefore Resolved that the said Resolve be and hereby is so far repealed as that the Towns of Marlborough and Fitz William in said Rands Regiment shall not be considered as belonging to the district for raising the aforesaid Company any thing in said Resolve relative to the Same notwithstanding—

Senate concurred January 29, 1789.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 2, 1789.

Whereas the Members of the General Court by reason of the present Session cannot attend the meetings in their respective Towns for chusing Representatives this day to be holden—Therefore Resolved that the Members of the General Court may give in their votes for Representatives to the Congress of the United States this Afternoon at this place, and that they be sorted counted and certified by the President and any two of the Council any Law to the contrary notwithstanding

Senate concurred February 2, 1789.

*State of* }  
*New Hampshire.* }

In the House of Representatives, February 3, 1789.

Resolved that the Treasurer be and hereby is directed and Impowered to issue his extents at his own discretion at any time prior to the 15<sup>th</sup> day of May next against any delinquent Town or place or at the request of the Select men of any such delinquent Town or place for all taxes due prior to the year 1787 and that in case of such Tax being unpaid on that day that he immediately issue his Extents against the delinquent Towns and places—And that he issue his Extent for the Taxes of 1787 against all such Towns and places as may be delinquent on the 15<sup>th</sup> day of June next

Senate concurred February 3, 1789.

*State of* }  
*New Hampshire.* }

In the House of Representatives, February 5, 1789.

Whereas at the Court of General Sessions of the peace holden at Charlestown within and for the County of Cheshire on the first Thursday next following the fourth Tuesday of September last Sundry Bills of Indictment by the grand Jury for said County were found against the Select men of Several Towns in said County for non observance of the Laws of this State regulating weights & measures And whereas it is probable that Congress will speedily fix the Standards of weights and measures and in that case new regulations in this state will be necessary—And Sundry towns in said County have prayed the General Court that the Indictments aforesaid might be discontinued And it appearing reasonable, all the circumstances being considered that the Same should be done Therefore Resolved that all the Indictments before said Court of General Sessions of the peace against the Select men of Several Towns in said County as aforesaid for non observance of said Laws be and they hereby are discontinued provided always that said Select men pay the costs already arisen—

Senate concurred February 5, 1789.

*State of* }  
*New Hampshire.* }

In the House of Representatives, February 6, 1789.

Resolved that there be and hereby is one Adjutant appointed to each Regiment of Light horse in this State who shall have the rank of Captain to be recommended by the field Officers of the Regiment and commissioned by the President for the time being—

Senate concurred February 6, 1789.

*State of* }  
*New Hampshire.* }

In the House of Representatives, February 6, 1789.

Voted that Thursday the Second day of April next be observed and kept as a day of public fasting & prayer throughout this State and

that his Excellency the President with advice of Council issue a proclamation for that purpose—

Senate concurred February 7, 1789.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 7, 1789.

Whereas there is much larger Sums in Certificate Taxes now outstanding than there is Certificates issued and as the Court has directed the Treasurer to enforce a Speedy collection of said Taxes which will much embarrass many Towns unless a much larger sum of Certificates is put into circulation—Therefore Resolved that the Treasurer of this State be and he hereby is directed to issue certificates for fifteen Per Cent of the principal of State notes upon application to him made by the holders of said notes and that the Treasurer and the Several Constables and collectors within this state be and they hereby are respectively required to receive the Same in payment for any certificate Tax that is now due or that shall hereafter be assessed in this State—

Senate concurred February 7, 1789.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, February 7, 1789.

Voted that the Hon<sup>b</sup> John Sullivan, Ebenezer Smith Nathan Hoit, Joseph Cram & Jeremiah Eames Esquires be and they hereby are appointed a Committee to ascertain the unlocated lands in this State by running the line between this State and that part of the Commonwealth of Massachusetts formerly called the province of Main, and the line between the northerly part of this state and the Province of Canada and return a descriptive plan thereof—

Senate concurred February 7, 1789.



## [SIXTH GENERAL COURT.]

*[Held at Concord and Portsmouth, Two Sessions, June 3, 1789 to January 26, 1790.]*

## [OFFICERS OF THE GOVERNMENT.]

JOHN SULLIVAN, PRESIDENT.

JOSEPH PEARSON, SECRETARY.]

WILLIAM GARDNER, TREASURER.

JOHN PICKERING, PRESIDENT OF THE SENATE.

THOMAS BARTLETT, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

John Pickering,	Portsmouth.
Ichabod Rollins,	Somersworth.
Charles Barrett,	New Ipswich.
Sanford Kingsbury,	Claremont.
Jonathan Freeman,	Hanover.

## [MEMBERS OF THE SENATE.]

John Pickering,	Portsmouth.
John Bell,	Londonderry.
Peter Green,	Concord.
Christopher Toppan,	Hampton.
Nathaniel Rogers,	Newmarket.
John McDuffee,	Rochester.
Ebenezer Smith,	Meredith.
Robert Means,	Amherst.
Robert Wallace,	Henniker.
Amos Shepard,	Alstead.
John Hubbard,	Charlestown.
Jonathan Freeman,	Hanover.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown, Epsom } and Northwood, }	Michael McClary.
Atkinson and } Plaistow, }	Nathaniel Peabody.
Brentwood,	Jabez Smith.
Canterbury and } Northfield, }	Charles Glidden.
Chester,	Joseph Blanchard.
Chichester and } Pittsfield, }	Benjamin Sias.

Deerfield,	Richard Jenness.
Exeter,	Dudley Odlin.
Kingston,	John Eastman.
Londonderry	James MacGregor.
Nottingham,	Thomas Bartlett.
Pembroke,	Samuel McConnell.
Portsmouth,	George Gains.
	James Sheafe.
Salem,	Thomas Dow.
Windham,	James Betton.

## STRAFFORD COUNTY.

Barrington,	Samuel Hale.
Dover,	Andrew Torr.
Durham,	Ebenezer Smith.
Gilmanton,	Samuel Greeley.
Moultonborough, &c.,	Nathan Hoit.
Rochester,	Barnabas Palmer.
Sanbornton,	James Hersey.
Sandwich, &c.,	Daniel Beede.
Somersworth,	Ichabod Rollins.
Wakefield, &c.,	David Copp.

## HILLSBOROUGH COUNTY.

Bedford,	Stephen Dole.
Boscawen,	George Jackman.
Dunstable,	Cyrus Baldwin.
Fishersfield, &c.,	James Flanders.
Hancock, &c.,	John Duncan.
Henniker and Hills- borough, }	Benjamin Peirce.
Hollis,	Daniel Emerson.
Lyndeborough,	Nehemiah Rand.
New Ipswich,	Charles Barrett.
Peterborough, &c.	Jeremiah Smith.
Raby and Mason,	J. Campbell.
Weare,	James Baswell.
Wilton,	Jacob Abbott.

## CHESHIRE COUNTY.

Acworth, &c.,	Elijah Frink.
Alstead,	Oliver Shepard.
Charlestown and Langdon, }	William Page.
Claremont,	Sanford Kingsbury.
Cornish,	James Wellman.

Dublin and Packers-	}	Samuel Griffin.
field,		
Fitzwilliam,		Abner Stone.
Keene,		Josiah Richardson.
Newport and	}	Moses Whipple.
Croydon,		
Richmond,		Jonathan Gaskill.
Rindge,		Daniel Rand.
Stoddard and Wash-	}	Jacob Copeland.
ington,		
Surry, Sullivan, &c.,		Lemuel Holmes.
Walpole,		Aaron Allen.
Westmoreland,		Archelaus Temple.
Winchester,		Moses Chamberlain.

## GRAFTON COUNTY.

Bath,		John Young.
Colburne, &c.,		Jeremiah Eames.
Enfield,		Jesse Johnson, Jr.
Haverhill and	}	Joshua Hutchins.
Coventry,		
Holderness, &c.,		Hercules Mooney.
Lebanon,		David Hough.
Lyme and Dorchester,		Jonathan Franklin.
New Chester, &c.,		Thomas Crawford.
Piermont and Warren,		William Tarlton.
Plymouth and Rum-	}	Benjamin Gould.
ney,		

[*First Session, Held at Concord, June 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 1789.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT, ENTITLED AN ACT, FOR THE EASE AND RELIEF OF PRISONERS FOR DEBT; MADE AND PASSED THE 21<sup>st</sup> DAY OF JUNE A. D. 1782.

[Passed June 10, 1789. Original Acts, vol. 11, p. 94; recorded Acts, vol. 6, p. 18. See act of February 15, 1791. Repealed June 20, 1792.]

Whereas by an act made and passed the twenty first day of June Anno Domini One thousand Seven hundred and Eighty two, entitled "an act for the ease and relief of prisoners for debt," it is among other things enacted that in case of any escape by a prisoner for debt, his bond shall be transferred and assigned over to the Creditor, or Creditors, by the Sheriff, with full power to enable him or them to put the same in suit in the name of such Sheriff or his Successor, and the Creditor shall recover his debt and damage with such sums as have been expended for his weekly support, by force of said act against the principal and sureties or any of them, to be chancered by the Court; which shall be a full indemnity to the Sheriff for such escape. And whereas by reason of its being required by said act that the actions upon such bonds shall be instituted in the name of the Sheriff, and not of the Creditor or Creditors many difficulties have arisen where executions issued upon Judgements recovered upon such bonds have been extended upon real estate.

Therefore

Be it Enacted by the Senate and House of Representatives in General Court convened, that whenever any bond shall be transferred and assigned over to the creditor or creditors by any Sheriff by virtue and in pursuance of the aforementioned act; the creditor or creditors to whom such bond shall be so transferred and assigned over, shall be and hereby are empowered to maintain an action of debt in his or their own name or names upon said bond, against the principal and sureties or any or either of them, in any Court proper to try the same; and in case the defendant or defendants in any such action shall be defaulted, or the same is tried by a Jury and they find for the plaintiff or plaintiffs the condition broken of such bond Judgement shall be rendered for the plaintiff or plaintiffs against the defendant or defendants, for the same damages and costs, as by the aforesaid act Judgement would have been rendered, if

the action had been commenced in the name of the Sheriff; Any law, usage or custom to the contrary notwithstanding.

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO PROHIBIT ANY PERSON OR PERSONS FROM PITCHING OR HALING UP SEAWEED OR ROCK WEED AT THE SEA SHORE IN HAMPTON IN THE NIGHT—

[Passed June 12, 1789. Original Acts, vol. 11, p. 95; recorded Acts, vol. 6, p. 19. See additional act of June 18, 1793; also act of January 15, 1794.]

Be it enacted by the Senate and House of Representatives in General Court Convened That if any Person or Persons shall pitch or carry up any Seaweed or Rock weed at the Sea Shore in said Town in the night time between day light down in the Evening and break of day in the morning that all and every such Person or Persons shall forfeit and pay the Sum of Six Shillings—for every Cart load of Seaweed and Rock weed so pitched & carried up & in proportion for any greater or less Quantity to be recovered by Action of debt in any Court proper to try the same for the use of any Inhabitant of said Town who shall sue therefor

This Act to be in force for the term of three years and no longer—

[CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT TO FACILITATE THE COLLECTION OF TAXES.—

[Passed June 13, 1789. Original Acts, vol. 11, p. 96; recorded Acts, vol. 6, p. 20. Repealed June 20, 1792. See Robinson, "History of Taxation in New Hampshire," pp. 86, 87.]

Whereas doubts and difficulties have arisen respecting the mode of collecting taxes assessed on houses and other real Estate belonging to persons not residing in the Towns and places where such assessments are made; and taxes assessed on the Estates of persons deceased, under the administration of Executors or Administrators, or where no administration hath been taken;—And whereas persons not having personal Estate whereon distress can be made do sometimes abscond or secrete themselves so that their bodies cannot be taken, having real Estate, which as the laws now are cannot be taken and sold for

such taxes; by means whereof the collection of taxes in said State hath been much retarded and delayed, For remedy whereof—

Be it enacted by the Senate and House of Representatives in General Court convened; that all Houses and other real Estate, whether occupied or not, being not already liable to pay taxes as unimproved lands, of non-residents, shall be deemed to be, and shall be liable for all taxes assessed, now due and unpaid, and for all taxes that shall hereafter be so legally assessed, and all real Estates whatsoever of deceased persons lying within said State, whether under administration, or not administered upon, shall be deemed to be, and shall be liable for taxes assessed on the Estates of such deceased persons, that are now due and unpaid; and for all taxes that shall hereafter be legally assessed on such Estates; And all future Assessments on real Estate as aforesaid shall be made in the name of such owner, or in the name of the original owner or in the name of the last person who shall appear to have owned the same, or in the name of his heirs or legal representatives, if dead.—And all Assessments on the Estates of deceased persons under the circumstances before mentioned, shall be made and set down in the list in general terms, to the heirs or legal representatives of the person deceased—

And every Constable or Collector of taxes for each Town within this State, who has or shall have in his hands any list containing such taxes as aforesaid, due and outstanding, shall forthwith transmit to the Receiver of Non resident taxes a copy attested by the Selectmen, of such list, with the names of those persons not Inhabitants of said town or place, and of deceased persons whose estates have been or shall be taxed as afor<sup>d</sup>—And the said Receiver shall advertise the same as in cases of lists of non-resident taxes forwarded to him, and shall have the same allowance And in case of nonpayment, and return of any such list to the collector, he shall advertise, and unless prevented by payment of such taxes and charges, shall proceed to collect the same by sale of such real Estate, taking the direction of the act establishing an equitable mode of making rates and taxes, in every step of his procedure; and is hereby authorised to make a good and valid conveyance of the Estate so sold, to the purchaser.—And the same term of one year allow'd for redemption by that act, shall be allowed to the person or persons interested, his, her, or their heirs Executors, Administrators, or Assigns, for redemption of lands or other real Estate sold by virtue of this act: And the mode of redemption shall be in all respects the same.—

And be it further enacted that whenever it shall appear to the majority of the Selectmen, that any Inhabitant of any town or place, within this State has no personal Estate whereon dis-

tress can be made; or has absconded or secreted himself so that his body cannot be arrested, they are hereby authorised to certify the case of such person under their hands and seals to the Collector; and he shall thereupon advertise in the New-hampshire Gazette so much of said real Estate for sale as will pay such taxes and reasonable incidental charges; and in case of non-payment at the expiration of the time limited therefor which shall not be less than two months, from the first publication of such advertisement; shall sell at Publick auction, so much of said Estate as will pay said taxes and reasonable incidental charges, according to the directions of the act afor<sup>d</sup>, as to the time and manner of making the sale; and shall make and execute a good and valid conveyance of the Estate so sold to the purchaser—

Always provided, that there shall be the same right and liberty of redemption in this case as is granted and allow'd in cases before mention'd in this Act—

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

#### AN ACT IMPOWERING JAMES DUNCAN TO ADMINISTER UPON THE ESTATE OF WILLIAM STARK DECEASED—

[Passed June 13, 1789. Original Acts, vol. 11, p. 97; recorded Acts, vol. 6, p. 22.]

Whereas James Duncan of Haverhill in the County of Essex and State of Massachusetts merchant, hath petitioned the general court setting forth, that by an act of this State made and passed the twenty eighth day of november Anno Domini 1778, certain estates, both real and personal, of sundry persons therein named, were confiscated, and that said petitioner had a demand against one of said estates, viz the estate of William Stark late of Dunbarton in the County of Hillsborough Esquire deceased—by which confiscation he is deprived of recovering his just demand, in the usual mode of administration on estates. And praying the general court to provide some remedy for him in this behalf, which appearing reasonable

Therefore—

Be it enacted by the Senate, and House of Representatives, in general court convened; that the said Duncan be and hereby is impowered to administer upon such estate of the said William Stark, both real and personal, which has not been sold by order of this State, as he can find within the same; hereby authorizing the said James Duncan to enter upon, sell and appropriate, all and every part of said estate, not sold as aforesaid (except the widow's dower already set off) and dispose of the same towards

the discharge of all just debts due from said estate; and after the discharge of the same with the proper costs and charges of administration, to return the overplus if any there be, into the treasury of this State. And the said administrator is hereby empowered and authorized to commence any action or actions necessary for the recovery of any part of said estate; and to do and transact either by himself, his agent or attorney, all and every kind of business, necessary for an administrator in any case; conforming to the laws in cases of administration—And the Judge of probate for said County of Hillsborough hereby is authorized and directed to grant administration to the said James Duncan, upon said estate, in usual form. And the said Duncan is hereby empowered to dispose of the reversion of the widow's dower (already set off as aforesaid) in the same manner administrators by law are authorized to do—

### [CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT LIMITING THE OPERATION OF A DEED GIVEN BY JONATHAN MOULTON ESQ<sup>R</sup> TO JONATHAN DARBY AND OTHERS TO THE LAND INTENDED TO BE CONVEYED.

[Passed June 16, 1789. Original Acts, vol. 11, p. 98; recorded Acts, vol. 6, p. 24.]

Whereas Sarah Moulton and Thomas Leavitt Executors of the last Will and testament of Jonathan Moulton late of Hampton Esquire deceased have petitioned the General Court setting forth That their said Testator on the thirteenth day of September 1779 conveyed by Deed to Jonathan Darby Gentleman Simeon Darby Yeoman both of Orford in the County of Grafton and said state and John Barron of Morestown in the county of Gloucester and state of New York alias Vermont a certain Tract of Land in said Orford containing One hundred and twelve Acres being part of the River Lots Numbered 72 and 73 That the said Land was bounded in the Deed by a Plan then drawn from actual Survey but by mistake in minuting the direction of one of the lines it is said to run North twenty five Degrees West four hundred and twenty seven rods to the River And it is found that a Line in that direction will extend over Land neither then nor since owned by the said Testator, not intend to be conveyed by the said Deed, including much more than the said two Lotts and more than thrice the number of One hundred and Twelve Acres. The Petitioners therefore prayed the Legislature that they would rectify the said mistake and that a Bill might be brought in for that purpose

Which appearing reasonable Be it therefore Enacted by the



Senate and House of Representatives in General Court convened that the said Deed of the said Jonathan Moulton to Jonathan Darby Simeon Darby and John Barron Dated September 13<sup>th</sup> 1779 of a certain Tract of Land in Orford in the county of Grafton and said state containing one hundred and twelve Acres being part of the River Lots Number 72. and 73. shall not extend nor be construed to extend to include any Lands beyond the lines of the said two river Lots—And that the Northerly Line of said Lot Numbered 72 shall be considered as one of the Boundary Lines of the said Land agreeably to the Intention of the parties. The Error in the description of the said Line there said to run North 25 Degrees West notwithstanding

[CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO EXEMPT THE ESTATE LATELY BELONGING TO GEORGE MESERVE ESQ<sup>R</sup> DECEASED FROM THE EFFECTS OF THE LAW WHEREIN HIS ESTATE IS DECLARED FORFEITED TO THE USE OF THIS STATE—

[Passed June 17, 1789. Original Acts, vol. 11, p. 99; recorded Acts, vol. 6, p. 25.]

Whereas James Sheafe of Portsmouth in the county of Rockingham and State of New Hampshire Merchant, administrator of the estate of his late father in Law George Meserve Esq<sup>r</sup> deceased Intestate hath petitioned the General Court, representing that the estate of the said Meserve was by the Laws of this State confiscated, but the same being under mortgage and subjected to the payment of his debts, which amounted to five times the value of the estate so confiscated, no further proceedings thereon were had—that the said James Sheafe had lately taken administration on the same, represented it insolvent, and the Judge of Probate had appointed commissioners to receive and examine the claims against the estate; which when reported could never be paid, because no average could ever be made while the estate remained under confiscation—Wherefore the said James Sheafe prayed that the estate aforesaid might be exempted from the effects of said Laws, and that the same might be averaged among the creditors as the Law directs respecting insolvent estates. The prayer of which petition after due consideration thereof, appearing reasonable, Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, That, all and every part of the estate which belonged to the said George Meserve and was confiscated by the Laws of this State be & hereby is exempted and

freed from such confiscation and restored to the care and administration of the said James Sheafe as administrator thereof in order that the same may be averaged among the creditors thereto, as the Law directs respecting insolvent estates: Any law, custom or usage to the contrary notwithstanding.

[CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THOMAS PACKER ESQ<sup>R</sup> TO REVIEW AN ACTION COMMENCED AGAINST HIM IN THE INFERIOR COURT OF COMMON PLEAS HOLDEN AT KEENE WITHIN AND FOR OUR COUNTY OF CHESHIRE ON THE SECOND TUESDAY OF OCTOBER ANNO DOMINI 1783 BY JEREMIAH STILES OF SAID KEENE GENTLEMAN—

[Passed June 18, 1789. Original Acts, vol. 11, p. 100; recorded Acts, vol. 6, p. 26.]

Whereas Thomas Packer Esq hath petitioned this Court setting forth that the said Jeremiah Stiles had at the said Court of common pleas commenced an Action against the said Packer on a Note of hand for fifteen pounds & therein inserted a Declaration on an account for the sum of eight pounds five shillings on which the said Packer not having seen the declaration nor conceiving that he owed the sum sued for in the account suffered himselfe to be defaulted and praying this Court to afford him relief in the Premises—

Therefore be it enacted by the Senate & House of Representatives in general Court convened, that the said Packer be and he hereby is enabled to reenter said Action in any Inferior Court that may be holden within and for the County of Cheshire within six Months after passing this Act, and to prosecute said Action in said Court in the same way & manner in which Actions of Review are now prosecuted—and the said Court are hereby impowered to hear try and determine said Action & to confirm alter or set aside said Judgment as if said Action had been brought forward by a writ of Review—Any Law usage or Custom to the contrary notwithstanding

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT FOR THE BETTER REGULATION OF SCHOOLS WITHIN THIS STATE; AND FOR REPEALING THE LAWS NOW IN FORCE RESPECTING THEM.

[Passed June 18, 1789. Original Acts, vol. 11, p. 101; recorded Acts, vol. 6, p. 27. Laws, 1792 ed., p. 275. See additional act of December 10, 1791. Repealed June 15, 1799. See Robinson, "History of Taxation in New Hampshire," p. 177.]

Whereas the Laws respecting Schools have been found not to answer the important end for which they were made; Therefore—

Be it enacted, by the Senate and House of Representatives, in general Court convened, that all the laws of this State respecting Schools be, and they hereby are, repealed.

And be it further enacted, that the Select men of the Several towns & Parishes within this State be, and they hereby are, impowered and required to assess annually the Inhabitants of their respective towns, according to their polls and ratable estates, in a sum to be computed at the rate of five pounds for every twenty shillings of their proportion for public taxes for the time being and so for a greater or lesser sum. Which sums, when collected, shall be applied to the sole purpose of keeping an English Grammar School or Schools for teaching reading, writing and arithmetic, within the towns and parishes for which the same shall be assessed; except said town be a Shire or half shire town: in which case, the School by them kept shall be a grammar School for the purpose of teaching the latin and greek languages, as well as reading, writing and arithmetic as aforesaid.

And be it further enacted, that no person shall be deemed qualified to keep any such School, unless he produce a certificate from some able and reputable School master, & learned Minister, or Preceptor of some Academy or President of some College; that he is well qualified to keep such school.

And be it further enacted, that if the Selectmen of any town or parish neglect to raise and appropriate, for the aforesaid purposes, the money required by this act to be by them assessed, collected and appropriated; such Select men shall forfeit and pay the full sum, which they shall be so found delinquent in assessing, seasonably collecting and duly appropriating. Which sum shall be recovered by bill, plaint or information in any court proper to try the same; and when recovered, shall be appropriated for the purpose of keeping a School in the town where such delinquency shall happen; which sum shall be paid out of

the goods and estate of such Select men. And it shall be the duty of the Town Clerk for the time being of the respective towns or parishes to see that the sums recovered of such delinquent Select men be appropriated agreeably to the true intent and meaning of this Act—

Provided that this Act shall not be construed to extend to the lands of Nonresidents but that the Sum raised be in proportion to the value of the Polls & Estates of the Inhabitants—

Provided that the operation of this Act be Suspended until the first day of March next—

[CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER SARAH HAZELTINE TO SELL AND CONVEY  
THE REAL ESTATES OF MOSES HAZELTINE LATE OF WALPOLE  
IN THE COUNTY OF CHESHIRE DECEASED

[Passed June 18, 1789. Original Acts, vol. 11, p. 102; recorded Acts, vol. 6, p. 29.]

Whereas Sarah Hazeltine Administratrix hath petitioned the general court representing that the personal estate of Moses Hazeltine (her late husband) is insufficient to pay his just debts therefore it is necessary to dispose of some part of the real estate of said deceased, and that a division of said real estate would be inconvenient and injurious to the whole therefore the said Administratrix prayed that she might be empowered to sell the whole of the real estate of the said Moses Hazeltine which prayer appearing reasonable

Therefore be it enacted by the Senate and house of representatives in General Court convened that the said Administratrix in her said capacity be and hereby is fully Impowered and authorized to sell and Execute by good and valid conveyance or conveyances the whole of the real estate of said Moses Hazeltine and that the said Administratrix first give bond with two sufficient securities to the Judge of Probate &c for Said County, for the faithfull performance of the Said trust.

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE AN ACADEMY IN THE TOWN OF NEW  
IPSWICH BY THE NAME OF THE NEW IPSWICH ACADEMY—

[Passed June 18, 1789. Original Acts, vol. 11, p. 103; recorded Acts, vol. 6, p. 30.]

Whereas the education of youth has ever been considered by the wise and good as an object of the highest consequence to the safety and happiness of a people as at an early period of life the mind easily receives and retains impressions And is most susceptible of the rudiments of useful knowledge And whereas the Honourable Charles Barrett Esq<sup>r</sup> of New Ipswich in the county of Hillsborough & sundry other persons are desirous of giving to Trustees herein after to be appointed certain lands and personal estate to be by said Trustees forever appropriated & expended for the support of a public free School or Academy in New Ipswich And whereas the execution of such an important design will be attended with very great embarrassment unless by an act of incorporation said Trustees and their Successors shall be authorized to commence and prosecute actions at law, and transact such other matters in a corporate capacity as the Interest of said Academy shall require

Be it therefore enacted by the Senate & House of Representatives in General court convened that there be and hereby is established in the town of New Ipswich in the county of Hillsborough in said State an Academy by the name of the New Ipswich Academy for the purpose of promoting piety & Virtue and for the education of youth in the English latin & Greek Languages, in writing Arithmetic, Music and the art of speaking, practical Geometry Logic & Geography and such other of the liberal Arts & Sciences or languages as opportunity may hereafter permit And as the Trustees herein after provided shall direct.—

And Be it further enacted by the Authority aforesaid that the Reverend Stephen Farrar, the Hon<sup>l</sup> Charles Barrett Esq. Ephraim Hartwell Esq & M<sup>r</sup> John Hubbard all of New Ipswich aforesaid, Honourable Daniel Emerson Esq of Holles the Rev<sup>d</sup> Seth Payson of Rindge & Jacob Abbot Esq of Wilton all of this State the Rev<sup>d</sup> Joseph Brown of Winchendon in the County of Worcester & Henry Woods Esq<sup>r</sup> of Pepperell in the County of Middlesex both in the Commonwealth of Massachusetts be and they hereby are nominated & appointed Trustees of said Academy and they hereby are incorporated into a body politic by the name of the Trustees of the New Ipswich Academy and that

they and their Successors shall be and continue a body politic and Corporate by the same name forever.—

And be it further enacted by the Authority aforesaid that the said Trustees and their Successors shall have one common Seal which they may make use of in any cause or business that relates to the said Office of Trustees of said Academy and they shall have power & authority to break change or renew the said Seal from time to time as they shall see fit And that they may sue and be sued in all actions real personal and mixed & prosecute and defend the same to final Judgment and execution by the name of the Trustees of the New Ipswich Academy—

And be it further enacted by the Authority aforesaid that the said Stephen Farrar & others the Trustees aforesaid the longest livers and Survivors of them And their Successors be the true and sole Visitors Trustees and Governors of the said Academy in perpetual Succession forever to be continued in the way and manner herein after specified with full power and Authority to elect such Officers of the said Academy as they shall judge necessary and convenient and to make and ordain such laws Orders and Rules for the good Government of said Academy as to them the said Trustees Governors & Visitors aforesaid & their Successors shall from time to time according to the various occasions and Circumstances seem most fit & requisite; all which shall be observed by the Officers Scholars and Servants of the Academy upon the penalties therein contained—Provided notwithstanding that the said Rules laws and Orders be no ways contrary to the laws of this State

And be it further enacted by the Authority aforesaid that the number of said Trustees and their successors shall not at any one time be more than eleven nor less than seven a major part of whom to wit of the whole number of Trustees at any time shall constitute a quorum for transacting business And the Major part of the Members present at any legal meeting shall decide all questions that shall come before them except in the instances herein after excepted;—that the Principal Instructor for the time being shall ever be one of the said Trustees—that a major part shall be laymen & respectable Free holders

And to perpetuate the succession of said Trustees Be it further enacted by the Authority aforesaid that as often as one or more of the Trustees of the said Academy shall die or resign or in the Judgment of a major part of the other Trustees be rendered by Age or otherwise incapable of discharging the duties of his Office then & so often the Trustees surviving and remaining or the major part of them shall elect one or more persons to supply the Vacancy or vacancies so happening.—

And be it further enacted by the Authority aforesaid that the Trustees aforesaid & their Successors be & they hereby are rendered capable in law to take and receive by Gift grant Devise

bequest or otherwise any lands tenements or other Estate real or personal provided that the annual income of the said real estate shall not exceed the sum of five hundred pounds and the annual income of the said personal estate shall not exceed the sum of two thousand pounds both sums to be valued in silver at the rate of Six Shillings and eight pence by the Ounce To have and to hold the same to them the said Trustees and their Successors on such Terms and under such provisions & limitations as may be expressed in any deed or Instrument of conveyance which shall be made to them—

Provided always that neither the said Trustees nor their Successors shall ever hereafter receive any grant or Donation the Condition whereof shall require them or any others concerned to act in any respect counter to the design of the first Grantors or any prior donation And all Deeds & instruments which the said Trustees may lawfully make shall when made in the name and by Order of the said Trustees And signed and delivered by the Treasurer and sealed with the common Seal bind the said Trustees and their Successors and be valid in law—

And be it further enacted by the Authority aforesaid that if it shall hereafter be judged upon mature & impartial consideration of all Circumstances by three fourths of all the Trustees that for good & substantial reasons which at this time do not exist the true design of this institution will be promoted by removing the Seminary from the place where it is founded in that Case it shall be in the power of the said Trustees to remove it accordingly and to establish it in such place within this State as they shall judge to be best calculated for carrying into effectual execution the intention of the founders—

And whereas the said Institution may be of very great & general advantage to this State and deserves every encouragement—

Be it therefore enacted by the Authority aforesaid that all the lands Tenements and Personal Estate within this State that shall be given to said Trustees for the use of said Academy shall be and hereby are exempted from all Taxes whatsoever so long as they remain for the use of the said Academy And that the Students at said Academy be exempted from paying a poll Tax.

## [CHAPTER 11.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE THOMAS PACKER ESQ TO HIS LAW—

[Passed June 18, 1789. Original Acts, vol. 11, p. 104; recorded Acts, vol. 6, p. 34.]

Whereas Thomas Packer Esq of Greenland in our County of Rockingham hath petitioned the General Court setting forth that Jeremiah Stiles of Keene in our County of Cheshire Gentleman at the Court of Common Pleas holden at Keene within & for said County on the third Tuesday of June A. D. 1787 commenced an action against the said Thomas on an account amounting to the sum of Fifty Seven Pounds Ten shillings & Four pence L M<sup>y</sup> & recovered Judgment thereon without giving the said Thomas any legal notice of said suit & proceeded to purchase out & levy his Execution on the Estate of s<sup>d</sup> Thomas and praying that this Court wou'd give him relief in the premises

Wherefore, Be it enacted by the Senate and House of Representatives in General Court convened. That the said Thomas be & he hereby is enabled to enter said Action at the next Superiour Court of Judicature that shall be holden in & for said County of Cheshire & to defend said Action in said Court as fully & in the same manner as if an appeal had been made from the aforis<sup>d</sup> Judgment of the Court of Common Pleas. And the said Court are hereby empowered to hear try & determine said Cause & to give Judgment thereon in the same manner as if said Action had been carried to s<sup>d</sup> Court by Appeal

and be it further enacted that the said Jeremiah Stiles be and he hereby is empowered to amend his Declaration by adding a new Count or Counts to the same as he shall think proper at said Superiour Court. Any Law usage or Custom to the Contrary notwithstanding.

## [CHAPTER 12.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE RICHARD TRIPE TO HIS LAW.

[Passed June 18, 1789. Original Acts, vol. 11, p. 105; recorded Acts, vol. 6, p. 35.]

Whereas Richard Tripe of Dover in the County of Strafford hath petitioned this Court, shewing that he submitted all Demands between him & Josiah Folsom of Rochester in said County by, a Rule of Court, to the final Determination of Thomas



Shannon James Jewett & John Waldron Esq.—Who made Report at the Inferiour Court of Common Pleas holden at Dover in and for the County of Strafford afores<sup>d</sup> on the third Tuesday of November AD 1788. That said Report was then entered & Judgment rendered thereon in the absence of the said Tripe, who thereby lost the Opportunity to make his legal Exceptions to said Report, & praying for Remedy in this Behalf—and the said Folsom consenting that the said Tripe may re-enter said Action in said Court of Common Pleas, & have leave to make his Exceptions to the said Report as fully as if no Judgment had been entered thereon—

Therefore be it enacted by the Senate & House of Representatives in General Court convened that the said Tripe have Liberty to re-enter said Action at the Inferior Court of Common Pleas to be holden at Durham in & for the County of Strafford afores<sup>d</sup>, on the Third Tuesday of August next and to make his Exceptions to said Report, as if said Report had not been received, or Judgment had not been rendered thereon—And the Judges of said Court are hereby fully authorized & empower'd to accept, confirm, set aside, or recommit said Report, as to them shall then & there appear Legal & just, any Law or Custom to the Contrary notwithstanding

### [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE ANNA HORN OF ROCHESTER TO HER LAW & ENABLE HER TO PROSECUTE A COMPLAINT OF BASTERDAY AGAINST JOHN HENRY HEINER AT THE NEXT COURT OF GENERAL SESSIONS OF THE PEACE TO BE HOLDEN AT DURHAM IN SAID COUNTY OF STRAFFORD ON THE THIRD THURSDAY OF AUGUST NEXT & TO REVERSE A DETERMINATION OF THE SAME COURT HERETOFORE HELD AT DOVER IN SAID COUNTY IN FEBRUARY LAST.

[Passed June 18, 1789. Original Acts, vol. 11, p. 106; recorded Acts, vol. 6, p. 36.]

Whereas Anna Horn hath petitioned this Court setting forth that She had a Bastard Child which was born of her body & that she accused One John Henry Heiner as the putative Father thereof—that at said Court of Sessions by means of said Heiners procuring some false depositions, proving that at the time charged with begitting said Child He was absent at Boston; She was deprived by the determination of said Sessions of her Law & charged solely with the burthen & maintenance of said bastard Child, & praying said Judgment might be reversed—The Prayer of which Petition after a full hearing appearing reasonable—

Be it therefore Enacted by the Senate and House of Representatives in general Court convened, that the Judgment of the said Court of Sessions be & the same is hereby annulled reversed & wholly rendered void and that the said Anna Horn be restored to all the Law she hath lost & be empowered to prosecute the said Heiner at the Court of General Sessions of the Peace next to be holden at Durham in said County of Strafford on the third Thursday of August next & the Justices of said Sessions are hereby fully empowered to hear and determine the Merits of said cause as to maintenance & give Judgment as fully as tho no determination had heretofore been had upon said Complaint—any Law usage or Custom to the contrary notwithstanding—

[CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER JACOB ASHTON TO SELL SUNDRY LOTS OF LAND BELONGING TO THE ESTATE OF JOSEPH BLANEY ESQ. DECEASED LYING WITHIN THIS STATE—

[Passed June 18, 1789. Original Acts, vol. 11, p. 107; recorded Acts, vol. 6, p. 38.]

Whereas Jacob Ashton of Salem in the county of Essex & Commonwealth of Massachusetts Administrator on the estate of Joseph Blaney late of the same Salem Esquire deceased hath petitioned the General Court setting forth that he was Administrator on the estate of the said Blaney and that the estate was insolvent and that the said Blaney died seised & possessed of the following lots or tracts of land in this State and that it was necessary in order for the several Creditors to such estate to receive their just proportions out of said estate that the same should be sold namely in Chichester one fifty acre lot N<sup>o</sup> eleven in the fourth range one fifty acre lot N<sup>o</sup> fifty six in the third range another fifty acre lot N<sup>o</sup> forty nine in the fourth range in Barnstead one sixty acre lot Number one hundred and eleven in the first division in Canterbury a forty acre lot numbered one hundred and two one hundred acre lot numbered three a third hundred acre lot numbered four and a fourth hundred acre lot numbered one hundred and sixty three

The prayer of which petition appearing reasonable Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the said Jacob Ashton be and he hereby is authorized & empowered to sell and convey all and singular the lots or tracts of land in this Act before mentioned and to make and execute good & authentic deeds & Conveyances of the same—

## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

## AN ACT IMPOWERING THE INHABITANTS OF LANGDON, TO TAX THE NON RESIDENTS, FOR REPAIRING ROADS—

[Passed June 18, 1789. Original Acts, vol. 11, p. 108; recorded Acts, vol. 6, p. 39.]

Whereas the inhabitants of the town of Langdon have petitioned the general court setting forth that they are few in number and inhabit a new town, a considerable part of which is owned by nonresident proprietors, and that the inhabitants are not able to make the necessary publick roads and bridges; and particularly a bridge over cole river so called, and praying to be impowered to levy a tax of one penny on each acre of the non resident proprietors land in said town for said purposes; which prayer appearing reasonable—Therefore—

Be it enacted by the Senate, and House of representatives, in general court convened; that the selectmen, or assessors of said town of Langdon, be, and hereby are, impowered to assess the non resident owners of land lying in said Langdon, at the rate of one penney upon each acre of land: which tax shall be assessed, levied, and collected, in the same manner, as the taxes upon the lands of nonresidents, by law are to be assessed levied and collected. Which tax when collected shall be appropriated for the foregoing purposes—

Provided always; that the said nonresidents shall have the same liberty of paying their respective taxes in labour (if they see cause that the inhabitants, have which shall be at the rate of three shillings per day—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

## AN ACT DIRECTING THE MODE OF FILLING SUMMONSES IN CIVIL ACTIONS—

[Passed June 19, 1789. Original Acts, vol. 11, p. 109; recorded Acts, vol. 6, p. 37. See act of December 6, 1709. Repealed June 20, 1792.]

Be it enacted by the senate and House of Representatives in General Court conven<sup>d</sup> that all summonses in civil Actions shall set forth the sum in the Note or Bond with the date, the Amount of the Account annexed to the Writ; the Quantity of Land in ejectment, and in covenant what sum in Damages are de-

manded and for what, any law usage or custom to the contrary notwithstanding Provided nevertheless that this Act shall not be in force untill the first Day of September next.

[CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT FOR ASSESSING A HALF PENNEY PR ACRE ON THE NONRESIDENT & OTHER LANDS IN THE TOWN OF TAMWORTH FOR REPAIRING HIGHWAYS AND BRIDGES IN SAID TOWN—

[Passed June 19, 1789. Original Acts, vol. 11, p. 110; recorded Acts, vol. 6, p. 40.]

Whereas the Inhabatance of Said Tamworth have Petitioned the General Court Setting forth that the Publick highways & bridges therein have ever Since the Settlement thereof been made and Supported by the Inhabatance of Said Town, while More than two thirds of the Lands are owned by nonresidents who have never been at any cost in Repairing the Same excepting a Subscription of Seven Pounds ten Shilings by one Gentleman upon a Considerable bridge on a Stream that divided his farm and that Said Town is So Situated as to require great Cost on Said Highways to accomodate the Public in General, beside a Considerable & Rapid Stream Runing through Said Town which requires Several Expensive Bridges as well as many other Briges over Small Streems that the unusual freshet about two years Since made an almost total destruction of bridges & Greatly Injured the highways aforesaid in Somuch that the Inhabatance of Said Tamworth have never been able to Repair the Same & many of them now remain almost impassable Since which Some new highways have been laid out and others nes-sary to be done to accommodate the Public and that a great Part of them do & will Run through unsettled Lands belonging to Nonresidents and the Making & Repareing the Same being beyond the Power & ability of Said Inhabatance—

Therefore Be it enacted by the Senate and House of Representatives in General Court Convend that the Select men or assessors of Said Town of Tamworth be and hereby are im-powered to levy & assess annually for the term of three years a tax of one half peney on each acre of Land within Said Town wheither belonging to Residents or Non residents and the moneys arising there from Shall be applied to the Sole purposes above mentioned For the faithfull application of which the Select men Shall be accountable to the Court of General Quarter Sessions of the Peace for the County of Strafford by Giving bond in double the Sum Said taxes Shall amount to Payable to the Treasuror of Said County for the use aforesaid And the

Collector or Collectors in advertiseing & Collecting Said taxes Shall have the Same Power and pursue the Same mode that the Law directs for Collecting non resident Taxes and the Said Collector or Collectors Shall pay the moneys ariseing from Said taxes to the Selectmen according to the teneur of their warrant, and in Case of neglect Shall be Liable to the Proses that the Law provides for delinquant Collectors—Provided notwithstanding that the Select men Shall give Public Notice of said tax in one of the New hampshire News Papers three weeks Succisively & that the owner or owners of Said Lands Shall have the Liberty of working out Said tax at three Shilings the day Provided they do the Said Labour upon Repareing Said highways according to & under the Derection of the Select men or Surveyors of Said town within the term of three months after Such Notice given

## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING MATHEW THORNTON ESQUIRE TO MAKE  
AND EXECUTE DEEDS OF CERTAIN LOTS OF LAND IN THE TOWNSHIP OF THORNTON—

[Passed June 19, 1789. Original Acts, vol. 11, p. 111; recorded Acts, vol. 6, p. 42.]

Whereas a petition has been preferred to the General Court in behalf of John Brown, Abel Willey and Edmond Elliot; setting forth that some time in the year 1769. Benjamin Hoit, then living in said Thornton (but since deceased) as an Agent for the aforesaid Brown, Willey and Elliot; and also for John Calf late of Thornton aforesaid, purchased of Mathew Thornton Esquire, then of Londonderry, four rights of Land in the Township of Thornton—the house lots N<sup>o</sup> 3. 4. 5. and 66.—Said Hoit took a deed of said Land in his own name and gave a mortgage deed of the same to said Thornton to secure the payment of said rights. Both which deeds were put upon record—Said Calf paid said Hoit for one right—the house lot N<sup>o</sup> 4.—Said Brown agreed for one right—the house lot N<sup>o</sup> 3<sup>d</sup>. Said Willey agreed for two rights—the house lots N<sup>o</sup> 5 and 66. but said Hoit died (before Brown, Willey and Calf had opportunity to get deeds of said land)—leaving one son now a minor, and a widow, who is since married to Israel Brainard now living in Danvil in the State of Vermont.—Said Brown has purchased the house lot N<sup>o</sup> 4. of said Calf; and Elliot the out Lands thereunto belonging; and have taken bonds for deeds of said Calf, who has since left the State—That the petitioners have been in possession of the premises near twenty years, have made large improvements and

have paid the taxes that have arisen thereon; but see no way to get deeds without the interposition of the General Court—And praying that the aforesaid Mathew Thornton Esquire may be authorized and impowrd to make and execute a deed to said Brown of said lot N° 3. and the out lands belonging to the same right, also the house lot N° 4. And to give a deed of the out lands belonging to lot N° 4 to said Elliot And to give a deed of said lots N° 5 and 66 and the outlands to the same belonging to said Willey—which appearing reasonable Therefore

Be it enacted by the Senate and house of Representatives, in General Court convened that the above mentioned Mathew Thornton Esquire be, and he hereby, is Authorized and impowered to make and Execute to the abovementioned John Brown a good and valid deed of the said house lot N° three and the out-lands to the same belonging; Also a deed of the said house lot numbered four. Likewise to make and execute to the aforesaid Edmund Elliot a deed of the outlands belonging to said lot numbered four—Likewise to make and execute to the above-mentioned Abel Willey a deed of the said house lots numbered five and sixty six and the said outlands to the same belonging; which deeds being duly recorded shall be deemed sufficient in law to secure to the Grantees, their heirs and assigns the aforesaid lands in as full and ample a manner as though the Same had never been conveyed by the said Thornton to the said Hoit

## [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF ALLINSTOWN IN SAID STATE TO ASSESS ONE PENNEY PER ACRE ON ALL THE LANDS IN SAID ALLENSTOWN IMPROVED AND UNIMPROVED FOR THE TERM OF THREE YEARS NEXT ENSUING FOR THE PURPOSE OF REPARING AND MAKING PASSIBLE AND CONVENIANT THE ROADS & BRIDGES IN SAID TOWN—

[Passed June 19, 1789. Original Acts, vol. 11, p. 112; recorded Acts, vol. 6, p. 44.]

Whereas the Selectmen of Said Allinstown hath Petitioned the General Court Representing that from the first Settlement of Said Town the Inhabitants thereof (who are very few in number not exceeding forty ratiable polls) have been at the Sole expense of maintaining all public roads in the Same

Wherefore they pray'd the General Court to grant them liberty to Assess and Order to be Collected one penney per acre on all the Land in Said Allinstown improved and unimprov'd for the term of three years as aforesaid for the purpose of repar-

ing and making passible and Convenient the Said roads and bridges in Said Town which prayer appearing reasonable

Therefore Be it enacted by the Senate and House of Representatives in General Court Conven'd that the Selectmen of Allinstown aforesaid for the time being be and hereby are im-powered to assess and order to be Collected as other taxes are the Sum of one penny per acre on All the lands in Said Allinstown for the s<sup>d</sup> term of three years, (Public Rights only Ex-cepted,) for the Sole purpose of repairing the public roads and Bridges in Said Town and be it further Enacted by the Author-ity aforesaid that, the Non resident Proprietors Shall have liberty of paying their and each of their respective proportion of the Taxes—aforesaid at the rate of three Shillings per day for an Able Body'd man he finding his own diet, and the Same notice Shall be given of the Several Sums due from the nonresidents as the law in regard to Taxes of non residents provides, and if The Same is not paid in labour as aforesaid to the Acceptance of the person or persons who Shall have the over Sight and Charge of Such work in ten weeks after lists thereof Shall be left with the Receiver General of this State their lands Shall be proceeded against as the law in Cases of non payment of State Taxes pro-vides—

And be it further enacted by the Authority aforesaid that before any Tax shall be Lay'd in Consequence of this Act the Select<sup>a</sup> of Said Allinstown Annually, during the Said three years Shall give Bond to the Treasury of the County of Rocking-ham in Said State for the time being in the penalty one hundred pounds Conditioned that all the monies and Labour Rais'd in Pursuance of this act Shall be duly and Faithfully employ'd According to the True intent and meaning thereof—

## [CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT FOR LAYING A TAX OF ONE PENNY ON EACH ACRE OF LAND IN FITZ-WILLIAM IN SAID STATE FOR THE TERM OF THREE YEARS FOR THE PURPOSE OF REPAIRING THE PUBLIC ROADS IN SAID TOWN—

[Passed June 19, 1789. Original Acts, vol. 11, p. 113; recorded Acts, vol. 6, p. 45.]

Whereas the Inhabitants of said Fitzwilliam have petitioned the General Court setting forth that the public roads in said Town are in great need of repair—that there is a considerable quantity of unimproved lands in said Town owned by non resi-dents which will be greatly benefited by the repair of the public roads And praying that they may have leave to levy a tax of

one penny on each acre of land in said Town public rights excepted for the Term of three years to be laid out in repairing said roads—The prayer of which petition appearing reasonable

Therefore

Be it enacted by the Senate and House of Representatives in General court convened that the Select men or Assessors of said Fitz-William be and hereby are empowered to assess levy and collect a Tax of one penny on each acre of land, in said Town whether belonging to the Inhabitants or non residents annually for the Term of three years to be appropriated for the sole purpose of repairing the public roads in said Town—And the Selectmen or Assessors shall give Bond in double the sum to which said Taxes shall amount to the Treasurer for the county of Cheshire for the use aforesaid for the faithful application of the sums which may be raised by virtue of this Act—

And the Collector or Collectors in collecting said Taxes shall have the same power & pursue the same mode which the law directs for collecting taxes on the lands of nonresidents And the said Collector or Collectors shall collect and pay the several sums mentioned in their respective lists to the Select men According to the directions given them in their Warrant and in case of neglect shall be liable to the process which the law provides for delinquent Collectors of other Taxes—

And be it further enacted by the Authority aforesaid that all persons whose lands are taxed by virtue of this Act shall have liberty of paying their respective taxes in labour which shall be estimated at the rate of four pence  $\frac{7}{8}$  hour for an able bodied man provided the same be done at any time before the expiration of the eight weeks after the first advertising—

## [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT FOR LAYING A TAX OF ONE PENNY  $\frac{7}{8}$  ACRE ON ALL THE LANDS IN A PLACE CALLED PETERBOROUGH SLIP ANNUALLY TO BE CONTINUED FOR THE TERM OF THREE YEARS FOR THE PURPOSE OF REPAIRING THE PUBLIC ROADS AND BRIDGES IN SAID PLACE

[Passed June 19, 1789. Original Acts, vol 11, p 114; recorded Acts, vol. 6, p. 46. See act of February 6, 1789.]

Whereas Samuel Gragg of said place in behalf of himself & sundry Inhabitants of said place hath petitioned the General Court setting forth that the public roads & Bridges in said place stand in great need of repair and that the said Inhabitants are unable to repair the same he therefore prayed that they may



have leave to raise a tax of three pence ꝥ acre on all the lands in said Peterborough Slip annually for the Term of three years to be appropriated for the sole purpose of repairing said roads & bridges the prayer of which petition after a hearing appearing reasonable in part

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the Select Men of said Peterborough Slip be & hereby are empowered to assess levy & collect a tax of one penny ꝥ acre on All the lands in said Peterborough Slip whether owned by residents or non-residents annually for the term of three years to be appropriated for the sole purpose of repairing the public roads and building the necessary Bridges in said place And the said Select men shall give Bond to the Treasurer of said County of Hillsborough for the use aforesaid for the faithful Application of said Taxes in double the Amount thereof

And the Constables or Collectors to whom such lists may be committed shall collect and pay the same to the Selectmen agreeably to the directions given them in their Warrants and shall have the same powers and pursue the same mode in collecting the same as Collectors of other Taxes and in case of neglect shall be liable to the same process as Constables delinquent in paying other Taxes by law are—

And Be it further enacted by the Authority Aforesaid that any person or persons whose lands are taxed by virtue of this Act shall have the liberty of paying the amount of his or their taxes in labour at the rate of four pence ꝥ hour for an able bodied man at any time within eight weeks after the first advertising

## [CHAPTER 22.]

*State of  
New Hampshire.* }

### AN ACT FOR THE APPOINTMENT OF SOLLICITORS GENERAL

[Passed June 19, 1789. Original Acts, vol. 11, p. 115; recorded Acts, vol. 6, p. 48. Laws, 1792 ed., p. 103. Brown v. Co., 69 N. H., 130; Fletcher v. Co., 71 N. H., 98.]

Whereas it sometimes happens that the Attorney General cannot attend the Courts of General Sessions of the peace in the several Counties

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the President with advice of Council be empowerd to appoint some person in each County to act as a Solliciter in behalf of the State who in the absence of the Attorney General shall have all the power and Authority of At-

torney General and who shall be entitled to all the fees and perquisites thereunto belonging

[CHAPTER 23.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER, JAMES MCGREGORE ESQ<sup>R</sup> & THE ADM<sup>RS</sup> OF JOHN NEAL DECEASD, TO PROSECUTE AN ACTION OF REVIEW NOW PENDING AT THE SUPERIOR COURT IN THE COUNTY OF ROCKINGHAM, AGAINST THE EXECUTORS OF THE WILL OF JONATHAN MOULTON ESQ<sup>R</sup> DECEASED

[Passed June 19, 1789. Original Acts, vol. 11, p. 116; recorded Acts, vol. 6, p. 49.]

Whereas there was an Action of Review of an Action of covenant broken pending at the Superior Court, Wherein Said M<sup>c</sup>Gregore & John Neal Esq<sup>r</sup> (Since deceas'd) were Plat<sup>s</sup>— which was to have been tried at the time of the Said Moultons Death and is Still depending at the Same Court, & as the Laws of the State Now Sands no Action is Sustainable or triable at Said Court against Executors or administrators upon insolvent Estates so long as a Commission of Insolvency on any Such Estate is depending, And whereas it is not the proper business of Commissioners to decide Questions of Property of this kind but it being the proper Province of the Court & Jury, being many Nice questions of Law which will Necessarily turn up in the trial—

Therefore, be it enacted by the Senate & house of Representatives in General court Convend that the Said James M<sup>c</sup>Gregore and the administrators of John Neal deceas'd be and they are hereby Authorised & impowered to prosecute the aforesaid Action against the Executors of the Said Moulton at the next Superior Court of Judicature to be holden at Exeter in & for the County of Rockingham on the fourth Tuesday of September next—so far as to have a verdict & Judgment & if the virdict & Judgment shall be in favour of the Said M<sup>c</sup>Gregore & administrators, then the Said Judgment Shall be laid before the Commissioners On said Estate and shall be Considered as an Established claim, made Out & proved by the Said M<sup>c</sup>Gregore & administrators and the Said Superior court is hereby Authorised & impowered to hear try & give Judgment in said Action in the Same Manner as if the Said Moulton was alive—

Provided Nevertheless it shall be the duty of the Said M<sup>c</sup>Gregore & administrators to cause the Executors of said Moulton to be Served with a Copy of this Act Thirty days prior to the Setting of said Superior court in September next any law, Usage or Custom to the Contrary Notwithstanding—

VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED  
DURING THE LAST SESSION.

*State of* }  
*New Hampshire.* }

In Senate, June 17, 1789.

Resolved by the Senate and House of Representatives in General Court convened that the following Oath or affirmation to wit "I A.B. do Solemnly Swear or affirm (as the case may be) that I will support the Constitution of the United States" which Oath or Affirmation is prescribed by Act of Congress to be taken by the Members of the Legislature, executive & judicial officers of this State shall be administered by any of the Council to the President and by the President for the time being to the Members of the Legislature and Council and by any of the Council for the time being or any justice of the Superior or Inferior Court or any person mentioned in the Dedimus for Swearing Civil officers of this State to the rest of the Executive as well as judicial officers of this State within the time mentioned in the Act of Congress.

House of Representatives concurred June 17, 1789.

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 19, 1789.

Whereas by the Operation of the Government of the United states the fund for the Redemption of Impost orders will be insufficient for the payment of the Same Therefore be it Resolved that the Treasurer, Impost Officer and collector of Excise be directed to receive either Impost or Excise orders in payment for impost or excise—

Senate concurred June 19, 1789.

[*Second Session, Held at Portsmouth, December 23, 24, 25, 26, 28, 29, 30, 31, 1789; January 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 1790.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE SAMUEL SHERBURNE OF PORTSMOUTH IN THE COUNTY OF ROCKINGHAM AND STATE OF NEW HAMPSHIRE ESQUIRE, THE SON OF JOHN SHERBURNE OF PORTSMOUTH AFORESAID ESQUIRE, TO ASSUME AND USE THE NAME OF JOHN IN ADDITION TO AND NEXT IMMEDIATELY PRECEDING HIS CHRISTIAN NAME OF SAMUEL—

[Passed December 31, 1789. Original Acts, vol. 11, p. 117; recorded Acts, vol. 6, p. 50.]

Whereas the aforesaid Samuel Sherburne hath presented a Memorial to this Court setting forth, that he is subjected to great inconvenience in the course of his business, by reason that several persons in the Town of Portsmouth sustain the same name with himself, and praying this Court to provide him a Remedy in that behalf, which Prayer appearing reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court convened, that from and after the thirty first Day of December of this present Year, the said Samuel Sherburne be, and he is hereby enabled and empowered to assume and take on himself the name of John in addition to and immediately preceeding his name of Samuel and that by the name and Sirname of John Samuel Sherburne and by no other names, after the said thirty first Day of December, he be named and called—And by the said names of John Samuel Sherburne after the said thirty first Day of December he is hereby fully empowered and enabled to act, transact and execute business, and all matters and things that shall be done and executed by, for or against him, after the said thirty first day of December, by the names of John Samuel Sherburne shall be, and are hereby declared good and valid, any Laws Usage or Custom to the contrary notwithstanding—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JOSEPH MULLIKEN OF PLYMOUTH IN THE COUNTY OF GRAFTON IN SAID STATE TO ENTER AND APPEAL AT THE NEXT SUPERIOUR COURT OF JUDICATURE TO BE HOLDEN IN SAID COUNTY AND TO PLEAD THERETO IN THE SAME MANNER AS THO' JUDGMENT HAD NOT BEEN RENDERED THEREIN AGAINST HIM BY DEFAULT AT THE INFERIOUR COURT.

[Passed January 1, 1790. Original Acts, vol. 11, p. 118; recorded Acts, vol. 6, p. 51.]

Whereas the said Joseph Mulliken hath petitioned the General Court setting forth that at the Inferiour Court of Common pleas holden at Plymouth aforesaid on the first Tuesday of December in the year of Our Lord One thousand Seven hundred and eighty nine an action was commenced against him by Benjamin Ward of said Plymouth on an unjust demand And that he (through ignorance) suffered a default and appealed to the next Superiour Court intending then to dispute the said demand and have a trial on the merits which he cannot have unless the said default be taken off—that the Justices of said Inferiour Court on motion refused to take off the default—he therefore prayed that the General Court would enable him to enter his said Appeal and to plead to the merits of said action at said Superiour Court, in the same manner as tho' the said default had never been made And it appearing reasonable that the prayer of said petition should be granted under the Conditions herein after mentioned

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said Joseph Mulliken be and hereby is empowered to enter his said appeal at the next Superiour Court of Judicature to be holden in & for said County and to plead to the merits of the same action in the same manner as tho' no such default had been made & recorded as aforesaid

Provided the said Joseph Shall fifteen days before the sitting of said Superiour Court cause the said Benjamin to be served with a Copy of this act and of the plea or answer the said Joseph shall make to the Writ and declaration of the said Benjamin and the particulars of his account in offsett if he should insist upon any such at the trial

## [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF MOULTONBOROUGH TO  
ASSESS LEVY & COLLECT A TAX ON ALL THE LANDS OF NON  
RESIDENT PROPRIETORS IN SAID TOWN FOR BUILDING BRIDGES  
& REPAIRING THE HIGH WAYS IN SAID TOWN

[Passed January 6, 1790. Original Acts, vol. 11, p. 119; recorded Acts, vol. 6, p. 52  
See act of June 18, 1790.]

Whereas Nathan Hoit Esq. in behalf said of Inhabitants hath petitioned the General Court setting forth that the roads laid out through the lands of Nonresident Proprietors in said Moultonborough are very bad & stand in great need of repair he therefore prayed that they might have leave to tax the lands of the said Non resident Proprietors in said Town one penny  $\text{p}$  acre for the Term of two years for the purpose of building Bridges & repairing the high ways in said Town as aforesaid

The prayer of which petition after a hearing appearing reasonable, Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the Selectmen or Assessors of said Moultonborough be & they hereby are authorized & empowered to assess levy & collect a Tax of One penny  $\text{p}$  acre, on all the lands of Nonresident Proprietors in said Moultonborough for the Term of two years to be appropriated for the sole purpose of building Bridges & repairing the roads laid out through the lands of said Nonresident Owners—And the said Select men or Assessors shall give Bond (in a sum equal to double the amount of the Taxes so to be levied) to the Treasurer of the County of Strafford that the monies raised by virtue of this Act shall be appropriated for the purposes aforesaid

And be it further enacted that the said Nonresident Owners may work out the sums so assessed on their lands at any time between the first day of May & the first day of August in the two following years at the rate of three Shillings  $\text{s}$  day for an able bodied man—

And in Case of Non payment either in money or in labour the Collector to whom the said lists may be committed shall proceed to sell the said lands of such delinquent Proprietors in the same manner as the law directs relative to the collecting of State Taxes as far as relates to the second advertising & the proceedings therein—Provided that the Collector to whom a list may be committed, shall give public notice in one of the Portsmouth News Papers as early as the first day of May in each year, to the Owners of the lands so taxed of such assessment—

## [CHAPTER 4.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER DAN<sup>L</sup> CAMPBELL TO SELL CERTAIN LANDS  
IN AMHERST & TO DIRECT THE DISPOSITION OF THE PROCEEDS  
OF SUCH SALE—

[Passed January 6, 1790. Original Acts, vol. 11, p. 120; recorded Acts, vol. 6, p. 54.]

Whereas Sarah Hartshorne of Amherst widow hath petitioned the General Court for liberty to sell certain lands in Amherst formerly owned by her Husband David Hartshorn late of said Amherst Gentleman deceased & by him conveyed to his Son Timothy Hartshorn now also deceased and of which the said Timothy died seised & to apply the proceeds of such Sale to the past and future support of the said Sarah and it appearing reasonable that the said Sarah should have her support out of said lands—

And the Select men of said Amherst having recommended M<sup>r</sup> Daniel Campbell of said Amherst as a suitable Person to conduct the Sale of said land and apply the nett proceeds of such sale to the purposes aforesaid

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the said Daniel Campbell be authorized & empowered to sell and convey by public auction or private Sale at his discretion all the right title and Interest in the land above mentioned which the said Timothy Hartshorne had in the premises at the time of his decease and apply the net proceeds of such Sale in part or in whole from time to time at his discretion for the past and future support of the said Sarah so far as may be Necessary for that purpose—

Provided the said Daniel Campbell before he conveys the Premises give Bond in the Probate Office for the County of Hillsborough with sufficient Sureties to the amount of double the value of the Premises for his fidelity in Selling said land & applying the proceeds of the same for the purpose above mentioned and to pay over the remainder if any after the decease of the said Sarah Hartshorn to the Heir or Heirs at law of the said Timothy Hartshorn deceased

## [CHAPTER 5.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE SAMUEL HOGG TO HIS LAW.

[Passed January 8, 1790. Original Acts, vol. 11, p. 121; recorded Acts, vol. 6, p. 55.]

Whereas Samuel Hogg of Dublin in the County of Cheshire in said State hath petitioned the General Court setting forth that Joseph Hogg of Jaffrey in said County commenced an action against him at the Inferiour Court of Common Pleas holden at Charlestown within & for the said County of Cheshire on the fourth Tuesday of September in the year of our Lord One thousand Seven hundred and eighty eight—that the said Samuel knowing that the said Joseph had a small just demand against him and finding by the summons for his appearance that his estate was attached only to the value of twenty pounds (which is usually double the sum demanded) did not appear at said Court & Judgment was rendered against him by default for the sum of fifty three pounds fifteen shillings & Eight pence damage & Cost of suit taxed at two pounds Six Shillings & six pence & Execution hath been levied for said sums and hath been returned satisfied—after the Service of the Writ new demands were added & the Writ altered in a material part—that he the said Samuel (were he allowed the benefit of the Law) could clearly demonstrate the injustice of said demand, & that (admitting all the demands in said Writ to be just the Judgment is erroneous for according to the plaintiff's own shewing his damages could not Amount to thirty pounds—the said Samuel therefore prayed that the General Court would nullify the said Judgment and the Execution & proceedings thereon and restore him to his law—The Prayer of which Petition appearing reasonable therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said Judgment & Execution issued and proceedings on the same be and they hereby are rendered null and void

Provided the said Samuel shall at the next Inferiour Court of common pleas to be holden in said County of Cheshire reenter said action & bring forward Copies of all the papers in the same

And the Justices of said Inferiour Court be and hereby are authorized & empowered to hear and determine said action in the same manner as tho' no default had ever been made and the parties are And shall be entitled to the benefit of all pleas and privileges which parties in suits at law have and enjoy and either party shall have the right of appeal and review as in other Cases



Provided also that the Attachment made by the said Joseph on the Original Writ shall remain good and valid to respond the final Judgment in the same manner as tho' no Judgment had been rendered thereon and the Cause had been continued from the first entry—

And Provided further

That the said Samuel notify the said Joseph of the said re-entry by serving him with an attested Copy of this act thirty days before the next Term of the said Inferiour Court

[CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE GUARDIAN OF THE CHILDREN OF JOHN GRIFFIN OF DERRYFIELD, DECEASED TO SELL CERTAIN LANDS

[Passed January 11, 1790. Original Acts, vol. 11, p. 122; recorded Acts, vol. 6, p. 57.]

Whereas John Goffe Guardian to the Children of John Griffin late of Derryfield deceased hath petitioned the General Court setting forth that the said Griffin died seised of one hundred acres of wild land lying in Bedford in said State—that the personal estate is not sufficient to pay the debts & educate the Children of said deceased—that it would be very injurious to the Interest of his Wards to sell a part and not the whole wherefore he prayed that the General Court would enable him to sell said land and it appearing reasonable that the prayer of said Petition should be granted, Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said John Goffe be and hereby is empowered & authorized to sell the said real estate either at public auction or private Sale as he shall deem most advantageous to those concerned and convey by deed to the purchaser or purchasers thereof all the right and title which the Heirs of the said John Griffin have in and to the same

Provided the said John Goffe shall before the sale thereof give Bonds with sufficient Sureties to the Judge of Probate for said County of Hillsborough in a sum equal to Double the value of said land to the faithful discharge of the trust reposed in him and to account with the said Judge whenever required for the proceeds of said Sale

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER SARAH CHAPIN OF ALSTEAD IN THE COUNTY OF CHESHIRE TO SELL THE REAL ESTATE OF HIRAM CHAPIN LATE OF SURRY IN SAID COUNTY OF CHESHIRE DECEASED, FOR THE BENEFIT OF THE HEIRS.

[Passed January 12, 1790. Original Acts, vol. 11, p. 123; recorded Acts, vol. 6, p. 57.]

Whereas Sarah Chapin hath petitioned this Court setting forth, that in March 1783 she was left a Widow with six small Children—that the Estate of her husband Hiram Chapin consisted in buildings, which are daily going to decay—and that the costs of repair will be so great, as not to be of any advantage to the Heirs. and praying the leave of this Court to sell the same for the benefit of the Heirs. the prayer of which petition upon hearing appearing reasonable—

Be it therefore Enacted by the Senate & House of Representatives in General Court convened—That the said Sarah Chapin be, & she hereby is fully empowered to sell the Estate aforesaid for the benefit of the Heirs, to the best advantage—& to make and execute a good & valid deed or Deeds of the premises aforesaid to the purchaser—Any Law Usage or Custom to the contrary Notwithstanding.—She giving bond with suretys to the Judge of Probate within and for the County of Cheshire in a reasonable sum, that the sum, or sums for which the said Land and buildings may be sold,—shall be applyd to the use, & benefit of the Heirs aforesaid.—

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE JUDGE OF PROBATE TO APPOINT A GUARDIAN OF THE PERSON AND ESTATE OF MEHITABLE TREADWELL THE WIFE OF WILLIAM EARL TREADWELL OF PORTSMOUTH IN THE COUNTY OF ROCKINGHAM SHE BEING NON COMPOS MENTIS AND TO ENABLE SUCH GUARDIAN TO SELL AS MUCH OF HER REAL ESTATE FROM TIME TO TIME AS MAY BE SUFFICIENT FOR HER SUPPORT AND THE PAYMENT OF TAXES ON HER OUT LANDS.—

[Passed January 12, 1790. Original Acts, vol. 11, p. 124; recorded Acts, vol. 6, p. 58. See act of March 26, 1782.]

Whereas Samuel Penhallow and Ammi Ruhamah Cutter Esquires both of Portsmouth have petitioned the General Court

setting forth that in and by an act of the General Court of this State passed the twenty Six<sup>th</sup> day of March One thousand Seven hundred & Eighty two they were appointed guardians to the person and Estate of Mehitable Treadwell wife of William Earl Treadwell of said Portsmouth said Mehitable being then and still Continuing to be of insane mind and memory the Memorialists finding it inconvenient for them any longer to attend to the important charge aforesaid and humbly beg leave to resign said trust, at the same time would recommend Robert Odiorne Treadwell the only Son of said Mehitable as the most suitable person to succeed them and this they do with the full knowledge and Consent of the said Robert Odiorne Treadwell & the said William Earl Treadwell his father the facts in said memorial being true and the prayer appearing reasonable—

Therefore Be it Enacted by the Senate and House of Representatives in General Court Convened. That the Judge of Probate of Wills &c for the County of Rockingham for the time being be and he hereby is fully empowered to appoint a guardian of the person and Estate of the said Mehitable taking bond of him for the faithfull discharge of the trust and to Account for the profits and proceeds of said Estate from time to time as the law of said State entitled an Act for the relief of Idiots and distracted persons directs and requires of guardians appointed by virtue thereof, and that the guardian hereby is fully empowered from time to time to sell and Convey so much of the Estate of the said Mehitable as shall be sufficient for her support and for payment of such taxes as now are or shall be assessed on her out lands while she remains insane

Be it further Enacted that said guardian be and hereby is fully empowered for that purpose to make and execute any Deed or Deeds of said land Which being done in due form of law shall Convey and secure to the purchaser or purchasers all the right and interest of said Mehitable of & in the lands or Estate so sold for the proceeds of which said guardian shall be accountable in manner aforesaid.

Be it further Enacted that the before recited act passed the twenty Six day of March one thousand Seven hundred and Eighty two be and hereby is repealed.

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OR ASSESSORS OF LEMPSTER TO TAX THE LANDS OF THE NONRESIDENT PROPRIETORS IN SAID TOWN TO REPAIR THE PUBLIC ROADS IN SAID LEMPSTER

[Passed January 12, 1790. Original Acts, vol. 11, p. 125; recorded Acts, vol. 6, p. 59.]

Whereas the Selectmen of Lempster have petitioned the General Court setting forth that the public roads in said Town stand in great need of repair and that they without the Assistance of the nonresident Proprietors are unable to repair and maintain the same they therefore prayed that they might have leave to tax all the lands of the Nonresident Proprietors in said Lempster two pence  $\frac{2}{3}$  acre to be appropriated for the purpose of repairing the Highway from Washington to Charlestown so far as it passes through the lands of Nonresident Proprietors in said town being about one mile and one hundred rods beginning at ashuelet River Bridge & runing westward

And it appearing reasonable after a hearing on said petition that the prayer thereof be granted—Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the Selectmen or Assessors of said Lempster be and they hereby are authorized & empowered to assess levy and collect a tax of two pence  $\frac{2}{3}$  acre on all the lands in said Lempster owned by Nonresident Proprietors to be appropriated for the sole purpose of repairing the said Highway runing through the lands of said Nonresident Proprietors as before described And the said Select men or Assessors before they proceed to collect the said Tax shall give Bond in double the amount thereof to the Treasurer of the County of Cheshire that the monies to be raised by virtue of this Act shall be appropriated for the purposes aforesaid

And be it further enacted that the said Nonresident Owners shall have liberty to work out the sums Assessed on their lands at any time between the first day of May & the first day of August next after the making of said Tax the labour to be estimated at the rate of three Shillings  $\frac{2}{3}$  day for an able bodied man And the Collector to whom such list may be committed shall give public Notice in the New Hampshire Gazette as early as the said first day of May to the Owners of the lands so taxed of such Assessment And be it further enacted that in Case of non payment of said Tax either in money or in labour the said Collector may proceed to sell the lands of such delinquent Proprietors in the same manner as the law directs for collecting State

Taxes as far as relates to the Second advertising and the proceedings therein and that the Same time be allowed for the Redemption of lands that may be sold

[CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE AN ACADEMY IN THE TOWN OF CHESTERFIELD BY THE NAME OF THE CHESTERFIELD ACADEMY.

[Passed January 12, 1790. Original Acts, vol. 11, p. 126; recorded Acts, vol. 6, p. 61.]

Whereas the education of youth, has ever been considered by the wise and good as an object of the highest consequence to the Safety and Happiness of a People, as at an early period of life the mind most easily receives and retains impressions, and is most susceptible of the rudiments of useful knowledge; And whereas Peter Stone of Chesterfield in the county of Cheshire and State of New Hampshire aforesaid, gentleman, and sundry other persons have voluntarily contributed certain sums of money for the purpose of establishing and supporting a public school or Academy in said Chesterfield, and are desirous that such an Academy may be by law established, and certain persons herein after named be appointed Trustees, to receive such monies as have already been raised, and whatever further grants or donations may be made to said Academy agreeably to the limitations hereinafter prescribed, and to appropriate the same to the use, & support thereof; And whereas the execution of such an important design would be attended with very great embarrassments, unless said Trustees, and their Successors, shall be authorized by an Act of incorporation to commence and prosecute actions at law, and transact such other matters in a corporate capacity as the interest of said Academy shall require.

Be it therefore enacted by the Senate and House of Representatives in General Court convened that there be, and hereby is established in the town of Chesterfield, in the county of Cheshire and State aforesaid, an Academy by the name of the Chesterfield Academy for the purpose of promoting Piety and virtue, and for the instruction of Youth in such branches of useful Literature as the Trustees hereby appointed shall think proper to direct.

And be it further enacted by the authority aforesaid that the Rev<sup>d</sup> Abraham Wood, Solomon Hervey Physician, Moses Smith Esq<sup>r</sup> Silas Richardson, Zur Evans, Simon Willard and Abner Johnson gentlemen all of said Chesterfield, be and they are hereby nominated and appointed Trustees of said Academy, and

hereby are incorporated into a body politic by the name of the Trustees of Chesterfield Academy, and they and their Successors shall be and continue a body politic and corporate by the same name forever—

And be it further enacted, that the Trustees and their Successors shall have one common Seal which they may make use of in any case that relates to their said Office as Trustees of said Academy, and they shall have power & authority to break, change or renew said Seal from time to time as they shall see fit, and may sue & be sued as a body corporate in all actions, real personal and mixed, and in said capacity may prosecute and defend the same to final Judgment and execution.

And be it further enacted, that the said Abraham Wood and others Trustees as aforesaid and the longest lived, and survivors of them and their successors, be the true and sole visitors, Trustees and governors of the said Academy in perpetual succession, forever, to be continued in the way and manner herein-after provided, with full power and authority to elect such Officers for said Academy as they shall judge necessary and convenient; and to make and ordain such laws, orders and Rules for the good government thereof, as to them the said Trustees governors and Visitors and their successors shall from time to time seem meet, & as occasion may require.—All which laws, orders and rules shall be observed by the Officers Scholars and Servants of the said Academy upon the penalties therein contained. Provided always that said Laws Orders & Rules be not contrary to the laws of this State.

And be it further enacted that the number of said Trustees & their Successors shall not at any time be more than eleven, nor less than seven, a majority of the whole number to constitute a quorum for doing business and the major part of the Trustees present at any legal meeting shall decide all questions, relative to the said Academy, that shall come before them excepting in the instances hereinafter excepted; that the principal instructor for the time being shall ever be one of the Trustees, the major part of whom shall be laymen and respectable freeholders—

And to perpetuate the succession of said Trustees Be it further enacted by the authority aforesaid that as often as one or more of the Trustees of the said Academy shall die, or resign, or in the judgment of a major part of the other Trustees be rendered by age or otherwise, incapable of discharging the duties of his Office, then and in either case, the remaining or surviving Trustees or the major part of them shall elect one or more Persons to supply the vacancy or vacancies so happening.

And be it further enacted, that the Trustees and the Successors be and they are hereby rendered capable in law to take and receive by Gift, grant, devise, bequest or otherwise, any lands, tenements or other estate real or personal, provided the annual

income of the said real estate shall not exceed the sum of five hundred pounds, and the annual income of the said personal estate, shall not exceed the sum of two thousand pounds, both sums, to be valued in silver, at the rate of six shillings and eight pence by the ounce. To Have and To Hold the same to them the said Trustees & their Successors, on such terms, and under such provisions and limitations, as may be expressed, in any deed or instrument of conveyance, which shall be made to them. Provided always that neither the said Trustees nor their Successors shall ever hereafter receive any Grant or Donation, the condition whereof shall require them or any others concerned to act in any respect counter to the design of the first grantors, or any prior donations, & all deeds and instruments which the said Trustees may lawfully make, shall, when made in the name and by order of the said Trustees, and signed & delivered by the treasurer, and sealed with the common Seal bind the said Trustees, and their successors, and be valid in law.

And be it further enacted that if it hereafter be judged upon mature & impartial consideration of all circumstances, by three fourths of all the trustees that for good and substantial reasons, which at this time do not exist, the true design of this institution will be promoted by removing the Seminary from the place where it is founded, in that case it shall be in the power of the said Trustees to remove accordingly, and to establish it in such place within this State as they shall judge to be best calculated for carrying into effectual execution the intention of the founders. And whereas the said institution may be of very great and general advantage to this State and deserves every encouragement.

Be it therefore enacted by the authority aforesaid that all the lands, tenements and personal estate within this State that shall be given or granted to said trustees for the use of the said Academy shall be and hereby are exempted from all taxes whatsoever so long as they remain for the use of the said Academy; and that the Students, at said Academy be exempted from paying a poll Tax.

#### [CHAPTER 11.]

*State of  
New Hampshire.* }

#### AN ACT GRANTING A LOTTERY FOR REBUILDING A BRIDGE OVER LITTLE HARBOUR RIVER TO NEWCASTLE.

[Passed January 12, 1790. Original Acts, vol. 11, p. 127; recorded Acts, vol. 6, p. 64. See additional act of June 16, 1791.]

Whereas, the Inhabitants of Newcastle and of other towns have petitioned the General Court setting forth the great diffi-

culties and inconveniencies, the Inhabitants of Newcastle labour under for want of a bridge over said River whereby they might have an easy communication with the Inhabitants of other towns in this State, and the great benefit which would result to them and the public from having a bridge erected there, Wherefore the petitioners prayed that the sum of fifteen hundred pounds might be raised by Lottery for the purpose of rebuilding said bridge. After hearing and considering the petition it appears that the granting the prayer thereof would be of public utility.

Wherefore, Be it enacted by the Senate and house of Representatives in General Court convened, that the persons herein after named be and hereby are empowered and permitted to set up and carry on a public Lottery to raise money for the purpose aforesaid, in so many classes or drafts as they may judge proper not exceeding the sum of Fifteen hundred pounds lawful silver money including expences. Provided the said Lottery be drawn and finished within the term of four years from the passing this act. And Be it further enacted that Henry Prescott Esq<sup>r</sup> of New Castle, Simon Jenness Esq<sup>r</sup> of Rye Stephen March Esq<sup>r</sup> of Greenland George Frost Esq<sup>r</sup> of New Castle and Stephen Chase Merchant of Portsmouth—or the major part of them are hereby appointed Managers of said Lottery, who shall be under oath, to be administered by any Justice of the peace, for the faithful discharge of said trust, and shall duly pay all prize tickets according to their tenor and scheme and shall refund any sum or sums of money, which may be paid for tickets in any class of said Lottery in case such class shall not be drawn and finished within the term aforesaid.

And the said Managers or the major part of them are hereby appointed and authorized to apply the money so raised, after deducting their charges, for the purpose of building said bridge and the said Managers shall be allowed their reasonable demands for their time and charge about said business and shall render to the General Court an account of their proceedings, and of all charges and demands concerning the premises when thereto requested and be accountable to said Court for all their proceedings respecting said trust.



## [CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT TO PROVIDE FOR THE SAFE KEEPING IN THE PUBLIC  
GAOLS IN THIS STATE PRISONERS COMMITTED UNDER THE  
AUTHORITY OF THE UNITED STATES—

[Passed January 14, 1790. Original Acts, vol. 11, p. 128; recorded Acts, vol. 6, p. 66. Laws, 1792 ed., p. 444.]

Be it enacted by the Senate & House of Representatives in General Court convened that the Sheriffs of the several & respective Counties in this State be & they hereby are required to receive & safekeep in the public Gaols in their respective Counties all Prisoners committed under the Authority of the United States untill they shall be discharged by due Course of the laws thereof:—And the said Sheriffs shall be subjected to the like pains & penalties for neglect of duty herein as they now are by law in the Case of Prisoners committed under the Authority of this State

Provided the United States pay to the said Sheriff for the use & keeping of said Gaol at the rate of three Shillings  $\text{p}$  month for each Prisoner that shall under their Authority be committed thereto during the time such Prisoners shall be therein confined and also support such of said Prisoners as may be committed for Offences—And also pay to the Keeper of such Gaol the Customary fees for Committing & discharging Prisoners

And be it further enacted that the said Sheriffs shall at the end of every six months from the passing of this Act render an Account and pay to the Treasurer of the County of which such Sheriff may be keeper of the Gaol all monies he shall have received from the United States for the use & keeping of such Gaols as aforesaid excepting the Customary fees for committing & discharging Prisoners as aforesaid

Provided always that nothing in this Act Contained shall be construed to give the United States any remedy against this State or any County thereof for the escape of any prisoners committed under the Authority of the United States—

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

## AN ACT TO CONFIRM CERTAIN LANDS TO JOHN ORR ESQUIRE—

[Passed January 15, 1790. Original Acts, vol. 11, p. 129; recorded Acts, vol. 6, p. 67.]

Whereas the said John Orr hath petitioned the General Court setting forth among other things that Robert Smith Trustee to the confiscated estate of Stephen Holland Esq an absentee from said State on the fourth day of April in the year of Our Lord One thousand seven hundred and eighty four by deed conveyed to the said Orr one half of lot number three in the first range of the first division of lots in the Town of Washington in said State containing by estimation three hundred and sixty acres be it more or less in common & equal Shares with Peter Peirce Esquire and is part of the estate of the said Stephen Holland confiscated by act of this State and that the same was conveyed by the said Smith to the said Orr as a Compensation for the loss the said Orr had sustained by reason of a former deed of conveyance which the said Smith Trustee as aforesaid in his said Capacity had made to him of certain lands to which the Said State had not any title and that the said Orr had Suffered thereby damage to the Amount of twenty two pounds in Specie And the said Orr on the said fourth day of April gave an Obligation to the said Smith promising to pay the said Smith the proceeds of the Sale of said land deducting the said Sum of twenty two pounds & the Charges of Selling—But the said Smith at the time when he executed the said deed was not by law empowered to sell any estate of absentees except at public Auction—he therefore prayed that the General Court would confirm his title to Said land in Washington

And it appearing reasonable after a full hearing on said Petition that the Prayer of said Petition should be granted

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the Deed of conveyance made and executed by said Robert Smith to said John Orr & dated on the said fourth day of April in the year of Our Lord one thousand seven hundred & eighty four be as good and valid against said State to all intents & purposes as tho' the same land had been sold by the said Smith to the said Orr at public auction any law usage or Custom to the Contrary notwithstanding

And be it further enacted by the Authority aforesaid that the said Orr as soon as may be sell by public auction his right in said land and pay to the Treasurer of this State within one year

from the passing of this act the proceeds of such Sale deducting the said sum of twenty two pounds & Interest on the same from the said fourth day of April to the day of such Sale and also Taxes paid and the reasonable Charges for Selling the Same and the said John Orr shall give Bond in the Sum of two hundred pounds to the Treasurer of said State for his fidelity herein

[CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE JOHN HOGG JUNIOR AND OTHERS TO THEIR LAW—

[Passed January 16, 1790. Original Acts, vol. 11, p. 130; recorded Acts, vol. 6, p. 68. See additional act of June 14, 1790.]

Whereas five several actions of trespass were instituted at the Inferior Court of Common pleas held at Amherst within and for the county of Hillsborough in said State, on the first tuesday in April 1782. Viz one brought by John Hogg jun<sup>r</sup> late of Dunbarton in the county of Hillsborough aforesaid now of Hampstead in the County of Rockingham and State aforesaid Esq<sup>r</sup> against Samuel Stuart late of said Dunbarton now of Londonderry in said county of Rockingham husbandman, and his three servants Jonathan Reed, William Leach & Samuel Sample, and four brought by the said Stuart at the same term viz two against the said Hogg and one against the said Hogg, John Brown and Moses Karr, instituted by said Stuart in behalf of two of his said servants they being Minors; and one in his own behalf against the said Karr. which said Actions with all demands between the parties were refered to Timothy Walker, John Bell & Robert M<sup>c</sup>Gregore Esq<sup>rs</sup> who reported in favor of the said Stuart on all said actions and Judgment was rendered thereon accordingly in April term 1783. And whereas the said Hogg has petitioned the General Court setting forth the same, and praying that said judgment might be set aside, as having been obtained against them by the false testimony of three Witnesses in said actions, who have since confessed they testified falsely therein; And whereas the said Hogg further prayed; that all said actions might be brought forward at the next Inferior Court of Common Pleas for said county of Hillsborough, as continued actions, and that the same with all demands between the Parties be refered to the same Referees or to them with others who should report thereon within a limited time otherwise that he have liberty to proceed on said actions in the ordinary course of law, as tho' no judgment on the same had ever been rendered. And whereas it is agreed between the parties that the same

actions with all demands subsisting between them, be refered to said Referees together with the Hon<sup>ble</sup> John Calfe and Robert Wallis Esq<sup>rs</sup> and that the Report of them or any three of them on the matter submitted, if made within a limited time & judgment rendered thereon, should be final and conclusive.

Be it therefore enacted by the Senate and House of Representatives in General Court convened, that the Judgments, on all said Actions of trespass be and they hereby are annulled and made void, and that said Actions be brought forward as continued actions, at the next Inferior Court of Common pleas to be holden at Amherst within and for the county of Hillsborough on the second tuesday of March next; and that the same with all demands subsisting between the parties be and they hereby are refered to Timothy Walker, John Bell, Robert M<sup>c</sup>Gregore, John Calfe and Robert Wallis Esq<sup>rs</sup> the report of whom or any three of them on the matters submitted, if made to said Court within six months from the passing of this Act and judgment thereon rendered, shall be final and conclusive, and should not said Referees make report on the same as aforesaid, that then said Actions shall be prosecuted and defended throughout the course of the law, and such proceedings had therein as though no Judgments had been rendered on the same.

And be it further enacted that in case all the Referees aforesaid should not attend, any three of them who may meet and agree respecting the premises aforesaid their report being made into said Court within, or at the expiration of the said six months the Same shall be considered to all intents and purposes as good and valid as though all of them should meet, take up and consider the matters which may by the parties be referred to them. And in case either of the parties after due notice shall neglect to attend—Said Referees may proceed ex parte

## [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE REFEREES UNDER A RULE OF AN INFERIOR COURT OF COMMON PLEAS HOLDEN AT EXETER IN & FOR THE COUNTY OF ROCKINGHAM ON THE SECOND TUESDAY OF NOVEMBER LAST BY ADJOURNMENT IN AN ACTION OF THE CASE WHEREIN PETER PEARSE WAS PLANTIF AGAINST SAMUEL CUTTS DEFENDANT & AN ACTION OF THE CASE WHERE PETER PEARSE & SARAH PRESTON ADMINISTRATORS OF THE ESTATE OF SAM<sup>l</sup> HAINES DECEASED WERE PLANTIFS AGAINST SAMUEL CUTTS DEFENDANT & IN AN ACTION OF THE CASE WHERE PETER PEARSE & COLBURN BARRELL WERE PLANTIFS AGAINST SAM<sup>l</sup> CUTTS DEF<sup>d</sup> ON WHOSE REPORT ON SAID ACTIONS JUDGMENT HAS BEEN ENTERED IN SAID COURT TO RECONCIDER THEIR JUDGMENT ON SAID ACTIONS AND IF THEY FIND REASON TO ALTER THEIR OPINION TO REPORT THE SAME TO SAID COURT & TO ENABLE SAID COURT ON SAID REPORT TO ALTER THEIR FORMER JUDGMENT AND CAUSE JUDGMENT TO BE ENTERED UPON EACH REPORT AS IF NO JUDGMENT HAD BEEN BEFORE RENDRED ON SAID ACTIONS.—

[Passed January 16, 1790. Original Acts, vol. 11, p. 131; recorded Acts, vol. 6, p. 70.]

Be it enacted by the senate & house of Representatives in General Court convened that the Referees in said actions be and hereby are empowered to rehear & reconsider said actions & all demands between the parties in their aforementioned capacities & if they find reason to alter and shall alter their former opinion they are hereby empowred to make report thereof to said Court.—And the said Court are hereby empowred on such report to amend alter or annul their former Judgment & to enter Judgment on such reports in said actions as if no Judgment had been before rendred in said actions & to Issue executions accordingly any law usage or custom to the contrary notwithstanding

## [CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO PREVENT THE DISTRUCTION OF SALMON SHAD & ALEWIVES IN MERRIMAC RIVER PASSED FEBRUARY THE SIXTH SEVENTEEN HUNDRED AND EIGHTY NINE, & FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

[Passed January 16, 1790. Original Acts, vol. 11, p. 132; recorded Acts, vol. 6, p. 71. See act of February 6, 1789. Repealed by the act of June 18, 1790.]

Whereas by said Act the Fisheries in said Merrimac River and the Waters falling into the same are restricted to two days only in each week by which the good people of this State are prevented from taking Fish as many days in the week as by Law the Inhabitants of the Commonwealth of Massachusetts are allowed to fish in said Merrimac River.

Therefore be it Enacted by the Senate and House of Representatives in General Court convened That from and after the passing this Act it shall & may be Lawful for any person or persons to fish in said Merrimac River and the Waters falling thereinto on Wednesday in each Week, in addition to Thursday & Friday mentioned in said Act beginning at Sunrise on said Wednesdays, any thing in said Act to the contrary Notwithstanding.

## [CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT FOR ALTERING THE TIME OF HOLDING THE ANNUAL MEETING IN ATKINSON IN SAID STATE

[Passed January 16, 1790. Original Acts, vol. 11, p. 133; recorded Acts, vol. 6, p. 72.]

Whereas it hath been represented to the General Court, that holding the Annual Meetings in said Atkinson on the last tuesday of March as directed by the Charter & Incorporation thereof, is attended with many inconveniencies, for remedy whereof—

Be it enacted by the Senate and House of Representatives in General Court convened—that the Annual Meeting in and for said Town of Atkinson, for the choice of Town officers, and transacting other necessary business shall forever hereafter be held on the second tuesday of March Annually, any law, usage, or custom to the contrary notwithstanding.—

## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO VACATE A DEED GIVEN BY JOSEPH HUCKINS TO  
SAMUEL FOLLET—

[Passed January 19, 1790. Original Acts, vol. 11, p. 134; recorded Acts, vol. 6, p. 73.]

Whereas Joseph Huckins of Gilmantown in the county of Strafford and State aforesaid husbandman hath petitioned the General Court representing that through age, and weakness of mind, he was induced to execute a deed dated about the thirty first day of March A.D. 1788. to his grandson Samuel Follet, of Lee in said county, of all his real estate in consideration, that the said Samuel Follet had given a bond to the said Huckins, conditioned for his support during his natural life, which deed contained about fifty acres of land in said Gilmantown being the farm on which he now lives. Since which the said Huckins has to his great disappointment discovered that said Bond is void, his grandson being at the time of signing a minor, who when of full age refused to perform the condition of said Bond or grant the said Huckins any support, but hath in an unnatural manner left him destitute of all means of support. Wherefore the said Huckins prayed that the same deed, as the consideration has failed, might be vacated, & he restored to the estate thereby meant to be conveyed. The prayer of which Petition, after a full hearing, thereof, appearing reasonable, therefore—

Be it enacted by the Senate, and House of Representatives in General Court convened, that the same deed be, and it is hereby made null and void. And that the said Huckins be restored to his former possession and estate in the premises intended to have been conveyed by said deed, any Law, Usage, or Custom to the contrary notwithstanding. Provided always that nothing in this Act contained shall ever be construed to bar the said Follett from recovering his demand against said Huckins for any services done him or monies advanced by said Follett since the giving said Bond.

## [CHAPTER 19.]

*State of  
New Hampshire.* }

## AN ACT TO AUTHORIZE ISAIAH TAYLOR TO SELL CERTAIN LANDS

[Passed January 20, 1790. Original Acts, vol. 11, p. 135; recorded Acts, vol. 6, p. 75.]

Whereas Abigail Stroud Administratrix to the estate of Nathaniel Bates late of Dublin in the County of Cheshire in said State deceased Intestate & Isaiah Taylor Guardian of the Children of said deceased have petitioned the General Court setting forth that the said Nathaniel died seised of a small real estate situate in said Dublin—that the Personal estate is not sufficient to pay the debts and educate the Children of the deceased, and that the selling of a part & not the whole would be greatly injurious to those concerned—they therefore prayed that the said Isaiah Taylor might be authorized to sell the said real estate and account with the Judge of Probate for said County for the proceeds of such Sale And it appearing reasonable that the prayer of said petition should be granted

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said Isaiah Taylor be and hereby is authorized and empowered to sell and convey at public Auction all the real estate of which the said Nathaniel died seised in said Dublin And to make & execute a good & valid conveyance of the same to the Purchaser or Purchasers

And be it further enacted that the said Isaiah Taylor shall before he proceeds to sell the same give Bond to the Judge of Probate for said County with sufficient Surety in a sum equal to double the value of the said real estate for his fidelity herein And to account and pay to the said Judge of Probate the proceeds of such Sale which shall be appropriated to pay the debts of the said deceased And the Charges of educating the Children And the remainder (if there should be any) to be put out on Interest for the benefit of the Children of the said deceased as the said Judge may direct



## [CHAPTER 20.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE JOSIAH SWETT TO HIS LAW.

[Passed January 20, 1790. Original Acts, vol. 11, p. 136; recorded Acts, vol. 6, p. 74.]

Whereas Josiah Swett has petitioned the General Court, setting forth, “that at the Inferior Court of Common pleas ‘holden at Amherst, within and for the County of Hillsboro’ ‘on the first tuesday of September last he recover’d Judgment ‘against David Goodale of Hillsboro’ and Samuel Jones of ‘Campbells Gore for the Sum of three pounds thirteen Shillings ‘and Six pence lawful money damage, and two pounds three shillings and and ten pence, like money, Cost about his suit in that ‘behalf expended; from which Judgment the said David and Samuel appealed to the Superior Court of Judicature to be holden ‘at Amherst aforesaid on the first tuesday in October then next. ‘That the said David and Samuel neglected to prosecute their ‘Appeal at the Superior Court aforesaid, and that the said Superior Court, discovering a desire to dispatch the business of ‘said County with all possible expedition, your petitioners ‘Attorney thro’ the hurry of business natural to such a situation ‘also neglected to enter a Complaint against the said David ‘and Samuel untill the Court had adjourned without day, at ‘an earlier period than has usually happened in said County” and praying this Court to restore him to the benefit of the Law lost as aforesaid—which appearing reasonable.

Be it therefore Enacted by the Senate and House of Representatives in General Court convened

That the said Josiah Swett shall have Liberty to prosecute his said Suit at the Superior Court of Judicature to be holden at Amherst in and for the County of Hillsboro’ on the second tuesday of May next, and the said Superior Court are hereby authorized and empower’d to Sustain said Appeal and proceed thereon in all respects at their session in May next as they might and would have done had said Appeal been prosecuted or a Complaint been entered before them in October last, and render Judgment and grant Execution Accordingly—

provided the said Josiah shall give Notice of this Act to the said David and Samuel or one of them by a Copy thereof, fifteen days before the sitting of said Superior Court, and that the said David and Samuel shall then have liberty to enter and prosecute their Appeal at the said Superior Court—in the same manner they might have done had the said Appeal been made to the said Superior Court to be holden in May next According to the usual Course of such causes in said Court and not otherwise.

## [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT TO MAKE VALID THE TITLE TO A PIECE OF LAND IN HANNOVER IN SAID STATE—

[Passed January 20, 1790. Original Acts, vol. 11, p. 137; recorded Acts, vol. 6, p. 77.]

Whereas Gideon Tiffany of said Hannover hath petitioned the General Court setting forth that William Taylor of said Hannover Gentleman about six years ago gave the said Gideon a good & authentic Deed duly acknowledged of forty acres of land in said Hannover described in said Deed as follows to wit forty acres of land at the east end of the fifth hundred acre lot adjoining to and lying east of the two mile road so called and drawn to the Original right of Joshua Sherwin—said forty acres to be taken off the east end of said hundred acre lot by a line runing parallel with said two mile road—that said deed was not recorded—that sometime in the month of March last the said Gideon delivered said deed to one Timothy Olcott to carry to Haverhill in the County of Grafton there to be recorded in the Office of Register of Deeds for said County—that said Olcott on his way to said Haverhill in passing Connecticut River broke thro' the Ice and lost his Portmanteau and said Deed in it and said deed hath not since been found And the said Taylor is now and for several years past hath been insane and that the said Gideon had previously conveyed said land to another Person and is holden to make it good He therefore prayed that the General Court would make his title to said land as good and valid in law as tho' the same Deed had not been lost And the facts stated in said Petition having been fully proved & the Prayer thereof appearing reasonable

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the title to the land described in said Deed as before mentioned be as good valid & effectual in law as tho' the same Deed had not been lost but had been filed and recorded in the Office of Registry of Deeds for said County of Grafton on the last day of March last any law Usage or Custom to the Contrary notwithstanding—

## [CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE JUSTICES OF THE SUPERIOUR COURT OF JUDICATURE TO TAX COSTS IN AN ACTION WHICH WAS TRIED IN SAID SUPERIOUR COURT IN 1777 BETWEEN OLIVER SANDERS & JAMES M<sup>c</sup>KEEN

[Passed January 20, 1790. Original Acts, vol. 11, p. 138; recorded Acts, vol. 6. p. 78.]

Whereas Oliver Sanders hath petitioned the General Court setting forth that James M<sup>c</sup>Keen commenced an action of Trespass against him at the Inferiour Court of common pleas for the county of Rockingham on the first Tuesday of February in the year of our Lord one thousand seven hundred & seventy two And at the said Inferiour Court holden the first Tuesday of February in the next year the said M<sup>c</sup>Keen recovered Judgment against the said Sanders for the sum of One pound four Shillings damage and Costs of Court and the said Sanders appealed to the Superiour Court for said County in March then next and At that Court the said Sanders recovered Judgment against the said M<sup>c</sup>Keen for his Costs and in March one thousand Seven hundred and Seventy seven the said M<sup>c</sup>Keen reviewed the said action but on the review the Jury found the former Judgment in nothing erroneous & by their Verdict gave the said Sanders Costs but the Costs never were taxed he therefore prayed the General Court to authorize the Justices of said Superiour Court to tax the said Bill of Costs And it appearing reasonable that the prayer of said petition should be granted, Therefore—

Be it enacted by the Senate & House of Representatives in General Court convened that the Justices of said Superiour Court be and hereby are authorized and empowered at the next Superiour Court to be holden in the County of Rockingham to tax the Costs in said action of Review and render Judgment for the same & issue Execution accordingly—

## [CHAPTER 23.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JONATHAN COLLINS TO SELL CERTAIN  
LANDS—

[Passed January 20, 1790. Original Acts, vol. 6, p. 139; recorded Acts, vol. 6, p. 79.]

Whereas Jonathan Collins of Candia County of Rockingham State afors<sup>d</sup> hath Petitioned the General Court Setting forth that his son in law Joshua French of East Kingstown Died in the year 1783 Posses<sup>d</sup> of a Small farm of Land in s<sup>d</sup> East Kingstown which after his Decease was by order of the Judge of probate divided into five Shares two of which Shares was Set of to Jonathan Collins French his Eldest Child who is now in the Eighteenth year of his age and lives with your Petitioner who is Guardian to s<sup>d</sup> Minor and as there is a piece of land in Candia which s<sup>d</sup> minor Can have in exchange for his land in s<sup>d</sup> East Kingstown much to the advantage of s<sup>d</sup> minor he therfore prays that he as Guardian may be Impowered to make & Execute a good and Valid deed of s<sup>d</sup> Land in s<sup>d</sup> East Kingstown which prayer appearing reasonable—

Therefore be it Enacted by the Senate and house of Representatives in General Court Conveen<sup>d</sup> that the Said Jonathan Collins be and hereby is authorized and Impower'd to Sell and Convey the Said land of his ward In East Kingstown aforsaid and to make & Execute a good and Sufficient Deed of the same to the purchaser or Purchasers Provided alwaise that the said Jonathan Collins Shall before he proceed to the Sale of Said land give Bond in a Sum Equal to Double the Value of said land to the Judge of Probate for the County of Rockingham to account for the proceeds of Such Sale to s<sup>d</sup> Minor when he Comes of age

## [CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT CONFIRMING & MAKING VALID THE PROCEEDINGS AT A PUBLIC MEETING HOLDEN IN A PLACE CALLED NEW DURHAM GORE FOR THE CHOICE OF CERTAIN OFFICERS & TO ENABLE SAID INHABITANTS TO RAISE MONEY FOR REPAIRING PUBLIC ROADS—

[Passed January 21, 1790. Original Acts, vol. 11, p. 140; recorded Acts, vol. 6, p. 82.]

Whereas the Inhabitants of said place some time in the month of March last at a public meeting holden in said place proceeded to the Choice of Select men & other Officers necessary for Assessing & collecting public Taxes—but the said meeting not having been warned by either of the persons by law appointed to warn and preside at said meeting the Officers chosen at said meeting cannot without the aid of the Legislature making valid the proceedings at said meeting proceed to discharge the duties of their respective Offices And it being for the public good that such Aid should be given

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the proceedings at said meeting as far as relate to the Choice of Select men and other Officers necessary for Assessing & collecting public Taxes be as good and valid in law to all Intents and purposes as tho' the same meeting had been warned and holden in the manner directed in an Act passed the seventh of February last relative to warning & holding meetings in places unincorporated any law usage or Custom to the Contrary notwithstanding

And be it further enacted that the Inhabitants of said place be and they hereby are authorized & empowered to lay out public roads and Assess levy & collect such sums of money on the poles & estates of said Inhabitants as they may judge proper for the repairing of the public roads in said place and they hereby are invested with all the powers & authorities as far as relates to laying out and repairing highways in said place as Towns incorporated by law have

## [CHAPTER 25.]

*State of  
New Hampshire.* }

## AN ACT FOR CONVEYING THIS STATE'S TITLE TO CERTAIN LANDS—

[Passed January 22, 1790. Original Acts, vol. 11, p. 141; recorded Acts, vol. 6, p. 83.]

Whereas Peter Phelps Levi Phelps Edward Phelps Henry Farwell George Peirce & Deborah his Wife Jonathan Moores Joseph Moors John Holden & Sybel his Wife Anna Edes & Mary Reed have petitioned the General Court setting forth that they with Sarah Boynton who is since dead and Samuel Tarbell Jun<sup>r</sup> were in different rights and degrees Heirs at law to Samuel Tarbell late of Groton in the County of Middlesex & Commonwealth of Massachusetts Gentleman deceased—that upon the death of the said Samuel Tarbell Senior the Petitioners and the said Sarah Boynton then alive proceeded to a division of certain lands situate in Mason in said State supposing the said Samuel Tarbell Senior to have died seised thereof & upon said division one ninth of the Premises were duly Assigned to Peter Phelps Levi Phelps & Edward Phelps as Heirs of Martha Phelps deceased daughter of said Samuel senior one ninth to Lydia wife of Henry Farwell as daughter of said Samuel Senior one ninth to Deborah Peirce wife of George Peirce & daughter of said Samuel Senior one ninth to Jonathan Moores Joseph Moors & Sybel Holden Heirs of Sybel Moores daughter of said Samuel Senior one ninth to Anna Edes daughter of said Samuel Senior one ninth to Mary Reed daughter of said Samuel senior one ninth to Sarah Boynton daughter of said Samuel senior And the remaining two ninths were assigned to the right of Samuel Tarbel Jun<sup>r</sup> to the use of said State—that the said Heirs excepting the said Samuel Junior have sold and conveyed the lands assigned to them as aforesaid to John Cumings & Hezekiah Hodgkins—that the said Cumings & Hodgkins have since brought actions against Sundry of the Petitioners on the Covenants contained in said deeds of Conveyance conceiving that the said Heirs had no right to sell and convey the said Premises and alledging that said State at the time of executing said Deeds was and now is the Owner of said Premises by virtue of a deed from Samuel Tarbell senior to said Samuel Tarbell junior And by virtue of an Act of the Legislature of said State confiscating all the Estate of said last mentioned Samuel to the use of said State Therefore the said Henry Farwell & others prayed that this State would convey and release all their rights to said lands upon the Petitioners paying to said State such sum as shall be

agreed on in Order that the said Cumings & Hodgkins may be quieted in their title and possession in said lands so sold them as aforesaid And it appearing reasonable that the Prayer of said Petition should be granted and the said George Peirce having paid to said State the sum of sixty pounds in State Notes being the Sum agreed on for said Purchase, Therefore—

Be it enacted by the Senate & House of Representatives in General Court convened that for the Consideration aforesaid this State do hereby convey remise release & quit claim to the said Henry Farwell & others and to those holding under them all the right and title of said State in and to the seven Ninths of the following parcels of land assigned and set off to them as aforesaid the same lying in Mason in said State namely two lots containing by estimation eighty acres each be the same more or less to wit lot number six in the eighteenth Range & lot number six in the nineteenth range of lots in said Mason also one other Tract or piece of land situated in said Mason containing by estimation Sixty acres & is part of lot number Seven in the said nineteenth range & bounded as follows begining at the South east Corner of said lot thence northerly eighty rods on lot number six in said nineteenth range untill it comes to the north east Corner of said lot number Seven thence westerly on land claimed by the Masonian Proprietors so called till it comes to land of Ebenezer Blood thence southerly on the same land eighty rods to lot number Seven in the eighteenth range thence on the same lot to the place of begining and is the same part of said lot number Seven heretofore occupied by Nathan Colburn and the said Cumings & Hodgkins Shall hold and enjoy the said described Premises in as full and ample a manner as tho' this State had released all their right to the Premises prior to the Conveyance by Said Heirs to said Cumings & Hodgkins as aforesaid

And be it further enacted that this State for the Consideration aforesaid do hereby give grant release and quit claim to him the said George Peirce his Heirs and Assigns forever all the right title Interest claim & demand of said State in and to the remaining two ninths of said described Premises and also all the other lands in said Mason the Property of said State by Virtue of the Act confiscating the Estate of said Samuel Tarbell Junior.—

## [CHAPTER 26.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE THOMAS GREENFIELD TO HIS LAW—

[Passed January 21, 1790. Original Acts, vol. 11, p. 142; recorded Acts, vol. 6, p. 85.]

Whereas Thomas Greenfield of Boscawen in the County of Hillsborough in this State hath petitioned the general court setting forth that he was seized of a certain tract of land in said Boscawen & had been in peaceable possession thereof about fifty years which land was part of the original right of Richard Hale, that about three years ago one John Hale of said Boscawen bro't an action of ejectment against said petitioner at the inferior court of common pleas for said County holden at Amherst on the first tuesday of september Anno Domini 1785 that said petitioner depended upon his warrantor to defend said action, and had agreed with him that he should take care of the same that said action was carried to the superior court by demurrer, but said warrantor failing to take care of the same Judgement was rendered against said petitioner—And praying that said petitioner might have liberty to enter his said action at the next superior court for said County with liberty of pleading to said action anew which prayer appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in general Court convened, that the said Thomas Greenfield be empowered to enter the aforementioned action at the next superior court of Judicature for said County of Hillsborough with liberty of repleading to the same, and the Justices of said Court are hereby empowered to sustain hear try & determine said action in as ample a manner as if the same had been entered at the superior court to which the same was appealed any law usage or custom to the contrary notwithstanding—

## [CHAPTER 27.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF PEIRMONT TO RAISE A TAX OF ONE PENNY  $\frac{7}{8}$  ACRE ON ALL THE UNIMPROVED LANDS IN SAID TOWN

[Passed January 21, 1790. Original Acts, vol. 11, p. 143; recorded Acts, vol. 6, p. 86.]

Whereas the Select men of said Peirmont have petitioned the General Court setting forth that all the public roads leading



through said Peirmont are lengthy and very expensive to the Inhabitants, they therefore prayed that they might have leave to tax all the unimproved lands of Nonresident Proprietors in said Town one penny  $\frac{1}{2}$  acre for the Term of three years and upon a hearing on said petition the parties having agreed that a tax of one penny  $\frac{1}{2}$  acre should be granted on all the unimproved lands in said Town and it appearing reasonable that the same should be done

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the Select men of said Peirmont be and hereby are authorized & empowered to Assess levy and collect a Tax of One penny on each Acre of unimproved land in said Peirmont to be appropriated for the sole purpose of repairing the high way in Said Peirmont leading from Plymouth to Haverhill And the said Select men Shall before they proceed to collect said Tax give Bond in a sum equal to double the Amount of the said Tax to the Treasurer of the County of Grafton for the faithful application of said monies for said use—

And be it further enacted that the Surveyor to whom said list of Taxes may be committed shall give Notice thereof in the New Hampshire Gazzette three weeks successively some time in April or May next And the proprietors of lands in said Peirmont shall have liberty of paying the sums assessed on their lands as aforesaid at any time before the first day of September next at the rate of three Shillings  $\frac{1}{2}$  day for an able bodied man And in Case of deficiency in paying said Tax the said Surveyor Shall proceed to sell the lands of such delinquents giving the same Notice And in all respects conforming to the laws respecting the sale of lands for public Taxes as far as relates to the second Advertising and the proceedings Subsequent thereto and the same time Shall be allowed for the redemption of lands sold by virtue of this Act as for lands sold for deficiency of State Taxes

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO APPOINT JEREMIAH LIBBEY OF PORTSMOUTH ESQUIRE, GUARDIAN TO MARY BOWEN AND TO EMPOWER AND ENABLE THE SAID LIBBEY TO CARRY THE INTENTIONS OF HER FIRST HUSBAND MARK LANGDON DECEASED, AS EXPRESSED IN HIS LAST WILL AND TESTAMENT RELATIVE TO HER SUPPORT, INTO EXECUTION AS FULLY AS THE SAID MARY MIGHT OR COULD DO WERE SHE IN THE PERFECT EXERCISE OF HER UNDERSTANDING AND REASON—

[Passed January 21, 1790. Original Acts, vol. 11, p. 144; recorded Acts, vol. 6, p. 88.]

Whereas it hath been shewn to this Court by the Overseers of the Poor of the Town of Portsmouth, that the said Mark Langdon by his last Will and Testament impowered the said Mary then his Wife to sell and convey his real Estate as she should find it necessary for her support and maintenance; and that the said Mary is now reduced to indigence and want, but from the infirmities of age and sickness is rendered incapable of availing herself of the benefits of her said Husbands Will, and whereas the said Overseers of the Poor have prayed this Court to provide a remedy for the said Mary in that behalf—

Be it therefore enacted by the Senate and House of Representatives in General Court convened that Jeremiah Libbey of Portsmouth Esquire be and he hereby is appointed Guardian to the said Mary Bowen and be and he hereby is fully authorized and empowered to sell and convey, and to sign seal and execute good and valid Deeds and conveyances of all or any part of the estate whereof the said Mark Langdon died seized, that has not already been conveyed, as he in his discretion may think necessary, as fully as the said Mary might do by virtue of said Will and Testament were she in the full exercise of her reason and understanding and to appropriate such sums as may arise from any sales of said estate as well, to the payment of Debts already contracted by the said Mary, as to her future support and maintenance—

Provided that the said Libbey give good & sufficient security to the Overseers of the Poor of the Town of Portsmouth for the time being for the due and faithful performance of said trust—

## [CHAPTER 29.]

*State of  
New Hampshire.* }

AN ACT FOR THE FILING & RECORDING OF WILLS PROVED WITHOUT THIS STATE & FOR THE TAKING OF AFFIDAVITS IN WRITING FOR THE PROBATE OF WILLS IN CERTAIN CASES

[Passed January 22, 1790. Original Acts, vol. 11, p. 145; recorded Acts, vol. 6, p. 80. Laws, 1792 ed., p. 228.]

Be it enacted by the Senate & House of Representatives in General Court convened that when the Copy of any Will which has been proved & allowed in any Probate Court in any of the United States or in any foreign State or Kingdom shall be directed to be filed and recorded in any Probate Court in this State pursuant to the laws thereof the filing & recording thereof shall be of the same force & effect as the filing & recording of an Original Will proved and allowed in the same Court of Probate And the said Judge may thereupon proceed to take Bond of the Executor or Executors or grant administration of the said Testators estate lying in this State with the Will annexed & Settle the said Estate in the same way and manner as by law he may or can upon the estates of Testators whose Wills have been duly proved before him

And be it further enacted by the Authority aforesaid that when the Executor or any other Person interested in a Will that has been proved & allowed in a Court of Probate in any of the United States or in a Court of Probate in any other State or Kingdom pursuant to the laws of such State or Kingdom shall produce a Copy of such Will with a Copy of the Probate thereof duly authenticated unto any Judge of Probate in any County of this State where the Testator had estate real or personal whereon the said Will may operate And shall in writing desire the same may be filed & recorded in the Probate Office in the same County pursuant to this Statute the said Judge shall assign a time and place for taking the same into Consideration & shall cause notice thereof to be made in some public Newspaper in this State three weeks successively thirty days at least before the time assigned to the end that any Person may appear and shew Cause against the filing & recording of the same And if at the time assigned no Objection is made or none in the Judgment of said Judge Sufficient to prevent it the said Judge may cause the same Copy to be filed in the Registry of the Court of Probate And cause the same to be recorded in said Office Saving always an appeal to any Person apprehending himself injured thereby to the Supreme Court of Probate as in other Probate matters—

And be it further enacted by the Authority aforesaid that

when an Original Will shall be offered for Probate before any Court of Probate within this State And the Witnesses thereto live out of the State or more than thirty miles distant or by reason of Age or Indisposition of body are unable to appear and give evidence before the Court in every such Case the Deposition of such Witness in writing taken before any Person or persons duly authorized by Dedimus Protestatem from such Probate Court shall have the same force & effect as tho' the Witness was present & testified viva voci before the Court

Provided always that before any Will shall be proved and allowed upon the evidence of such Affidavits the same Notice shall be given as the law in other Cases for the Probate of Wills requires that any Person interested in the same Will may have an opportunity of being present and offering his reasons why the same should not be allowed and the Parties shall have the same right of Appeal in the Case before mentioned as in other Cases before the Probate Court

#### [CHAPTER 30.]

*State of  
New Hampshire.* }

AN ACT—TO EMPOWER JOHN CALFE, EBENEZER WEBSTER & NATHANIEL WEARE TO TAKE BACK & RECTIFY A CERTAIN REPORT BY THEM MADE, TO THE SUPERIOR COURT IN A CAUSE WHEREIN JOHN QUIMBY OF CANDIA WAS PLAINTIFF & SAMUEL CORSER DEFENDANT—

[Passed January 22, 1790. Original Acts, vol. 11, p. 146; recorded Acts, vol. 6, p. 90. See act of February 7, 1791.]

Whereas Samuel Corser hath petitioned this Court setting forth, that John Quimby of Candia, at the Inferior Court of Common pleas holden at Exeter in the year 1786 brought an Action against the Petitioner, which Action upon a Review at the Superior Court was Referred to John Calfe Ebenezer Webster & Nathaniel Weare Esquires who reported in favor of the Petitioner by mistake, only Costs of the Action of Review—when in fact they meant to report a reversal of the Judgment of the former Superior Court with full Costs to the petitioner from the Commencement of the Action—And praying that said Referees may be empowered to take back the papers: & rectify the mistake, and that the Judges of the Superior Court be empowered to enter up Judgment upon the Report so rectified—the prayer of which petition appearing reasonable—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened—That the said Referees be & they hereby are empowered to take back said papers &

rectify the Mistake if any be, and make report to the next Superior Court to be holden at Portsmouth in the County of Rockingham on the fourth Tuesday of April next—And the Judges of said Court are hereby empowered to receive said Report enter up Judgment, & issue Execution accordingly any Law Usage or Custom to the Contrary notwithstanding—

[CHAPTER 31.]

*State of  
New Hampshire.* }

AN ACT, TO VACATE CERTAIN DEEDS GIVEN BY JEREMIAH FOLSOM TO HIS SON PETER FOLSOM—

[Passed January 22, 1790. Original Acts, vol. 11, p. 147; recorded Acts, vol. 6, p. 91.]

Whereas Jeremiah Folsom of New Market in the county of Rockingham Esq<sup>r</sup> has petitioned the General Court setting forth, that on the 23<sup>d</sup> day of December A D 1769. he conveyed to his son Peter Folsom by Deed of Gift one acre of land lying in said Newmarket at a place called Smarts Creek together with a house and other buildings thereon, and also twenty acres of land in Epping near to said one acre: that afterwards viz on the 24<sup>th</sup> day of September A. D. 1770. by deed of that date for a valuable consideration therein expressed, he sold his said son eighteen acres of land at & near said Smarts Creek; and that afterwards on the first day of February A. D. 1772. having the benefit of his said son in view, & at the request of his said Son, he exchanged with him a piece of land lying at a place called Lamprey river landing, in said Newmarket, for the same lands & buildings at Smarts creek before mentioned, and gave him a deed thereof, upon which the said Peter was to have reconveyed to his father the said Jeremiah Folsom the lands &c at Smarts creek, according to agreement which the said Peter never performed, but after recording the deeds returned them to his father, informing him that as said deeds were not upon record a redelivery of the same would be as effectual as a reconveyance, thereby intending to deceive and defraud the said Jeremiah, wherefore he prayed that said two deeds first mentioned might be declared null and void and his title to the premises therein mentioned made as good and valid as though no deed of the same had been given. Which prayer, upon a full hearing of the parties appearing reasonable to the General Court—

Be it therefore enacted, by the Senate and House of Representatives in General Court convened, that the two deeds given as aforesaid by the said Jeremiah to his said son bearing date, one the 23<sup>d</sup> day of December A. D. 1769. the other the 24<sup>th</sup>

day of September A. D. 1770. be, and they hereby are made null and void, and that the said Jeremiah Folsom's title to the lands contained therein, shall be as good and valid as if said deeds had never been recorded, any law, usage, or custom to the contrary notwithstanding.

[CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT FOR RAISING THREE THOUSAND POUNDS FOR DEFRAYING  
 THE CHARGES OF GOVERNMENT THE CURRENT YEAR.—

[Passed January 22, 1790. Original Acts, vol. 11, p. 148; recorded Acts, vol. 6, p. 93.]

Whereas it is necessary a sum of money should be raised for the purposes above mentioned Therefore,

Be it enacted by the Senate and House of Representatives in General Court conven'd that the sum of three thousand pounds in specie or specie orders on the Treasury of this State be and hereby is raised for defraying the charges of Government the current year; And the Treasurer of said State is hereby directed to issue his warrants to the Selectmen or Assessors, of the several Towns, Parishes and Districts within this State according to the proportion act passed in February one thousand seven hundred and eighty nine—And the Selectmen and Assessors thereof are hereby respectively required to assess and levy said sum and cause the same to be paid into the Treasury afor<sup>d</sup> at or before the first day of January next

And the said assessments shall be made according to each persons poll and rateable Estate, which he shall have and be possessed of on the first day of April next, and orders drawn by the President on the Treasurer shall be receiv'd in payment of the afor<sup>d</sup> sum as well by the Constables and Collectors as by the Treasurer afor<sup>d</sup>

## [CHAPTER 33.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE SELECTMEN OF EFFINGHAM TO LEVY  
A TAX OF ONE PENNY  $\text{p}$  ACRE ON ALL THE UNIMPROVED  
LANDS IN SAID TOWN FOR THE PURPOSE OF REPAIRING THE  
PUBLIC ROADS—

[Passed January 22, 1790. Original Acts, vol. 11, p. 149; recorded Acts, vol. 6, p. 94.]

Whereas the Select men of said Effingham have petitioned the General Court setting forth that the public roads stand in need of repair and that the Inhabitants of said Town are few in number and unable to repair them they therefore prayed that they might have leave to tax all the unimproved lands in said Effingham one penny  $\text{p}$  acre for the purpose of repairing said roads and after a hearing on said petition it appearing reasonable that the prayer thereof should be granted

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the Select men of said Effingham be and hereby are authorized and empowered to assess levy & collect a Tax of one penny on each acre of unimproved land in said Town whether owned by Inhabitants or Nonresidents to be appropriated for the sole purpose of repairing the public roads in said Town—And the said Select men Shall before they proceed to collect said Tax give Bond in a sum equal to double the amount of said Tax to the Treasurer of the County of Strafford for the faithfull application of said Tax to said use

And be it further enacted that the Person to whom said list may be committed to collect shall give notice of such Assessment sometime in the month of April or May next in one of the New Hampshire Newspapers by publishing the same three weeks successively and the Persons taxed in said lists shall have liberty of working out the sums annexed to their names in labour at the rate of three Shillings  $\text{p}$  day for an able bodied man at any time prior to the first day of September next and in Case of non payment either in money or in labour as aforesaid the Collector may & shall proceed to sell the lands of such delinquents giving the same notice and in all respects conforming to the laws for collecting State Taxes as far as relates to the second time of advertising and the proceedings subsequent thereto and the same time shall be allowed for the redemption of lands sold by virtue of this Act as is by law allowed for lands sold for non payment of State Taxes—

## [CHAPTER 34.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO THE LAWS NOW IN FORCE PROVIDING FOR  
 THE SUPPORT AND MAINTENANCE OF THE POOR—

[Passed January 22, 1790. Original Acts, vol. 11, p. 150; recorded Acts, vol. 6, p. 95. Repealed June 20, 1792.]

Whereas by the laws now in force no provision is made for the support of such poor Persons as are not Inhabitants of any town or place in this State—For remedy whereof

Be it enacted by the Senate & House of Representatives in General Court convened that when any person not an Inhabitant of any town or place in this State shall be visited with sickness or otherwise stand in need of relief in any town or place in this State the Selectmen of such town or place shall lay the account thereof before the Justices of the Court of General Sessions of the peace for the County in which such town or place lies:—And the said Justices having examined said Accounts & adjusted the same shall certify such sum (as they shall think proper to allow) to the President for the time being who is hereby authorized with advice of Council to draw an Order for the payment of the same out of the public Treasury—

Provided always that it shall be the duty of the Select men in the Cases aforesaid to use all lawful means to obtain an allowance from such person or persons as by law may be liable to pay for the support of any such poor persons previous to their application to the Sessions in the manner before described

## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT TO RAISE FOUR HUNDRED AND FIFTY POUNDS BY A  
 LOTTERY FOR THE PURPOSE OF MAKING BRIDGES OVER AM-  
 MONUSUCK, & WILD AMMONUSUCK RIVERS:—

[Passed January 23, 1790. Original Acts, vol. 11, p. 151; recorded Acts, vol. 6, p. 96.]

Whereas John Young Esqr and others have Petition'd the General Court, Representing, that there are two rapid Streams on the Country road leading from Haverhill in the County of Grafton to the northern part of said County, one by the name of Ammonusuck, & one by the name of wild Ammonusuck, which Streams, by reason of their rapidity, are impassable, except



when the waters in them are low, and that the Inhabitants of the Towns through which they run are unable to make, & keep their Roads in repair, & build Bridges over said Streams—

Wherefore they prayed the General Court, to pass an Act Granting a Lottery for the purpose of building Bridges over said Streams:—the prayer of said petition appearing reasonable.—Therefore—

Be it enacted by the Senate & house of Representatives in General Court conven'd, that there be granted the sum of four hundred & fifty pounds, including cost, for the purpose of building said bridges, by way of a Lottery, in so many classes as may appear best to the managers hereafter named.—and be it further enacted by the authority aforesaid, that Charles Johnston and Moses Dow both of Haverhill Esquires, & John Young of Concord, alias Gunthwaite Esq<sup>r</sup> be and they hereby are appointed managers of said Lottery, who shall give bond in a reasonable sum to the General Court for their fidelity respecting their trust, & appropriate the moneys arising from said Lottery for the purpose of building the intended bridges, and shall be accountable to the General Court accordingly and shall pay off all prize tickets to such person or persons who may be entitled thereto, & shall refund any money they may receive for any ticket, or tickets, in case the Class for, & in which they, or any of them, according to the tenor thereof shall not be drawn,—

And be it further enacted, that the said Dow & the Select men of Landaff, for the time being, shall be the sole Judges of the most proper place for building the bridge over wild Ammonusuck, & the said Dow and the Selectmen of Concord, alias Gunthwaite for the time being shall be like Judges respecting the most proper place for building the intended bridge over Ammonusuck.

And be it further enacted, that the time for drawing the said Lottery, & completing said bridges shall not exceed three Years from the passing this Act.

## [CHAPTER 36.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE RICHARD JENNESS SIMON JENNESS AND THOMAS JENNESS ADMINISTRATORS ON THE ESTATE OF RICHARD JENNESS LATE OF RYE ESQUIRE DECEASED, TO THEIR LAW—

[Passed January 26, 1790. Original Acts, vol. 11, p. 152; recorded Acts, vol. 6, p. 97.]

Whereas Richard Jenness, Simon Jenness & Thomas Jenness Administrators on the Estate of Richard Jenness Esquire deceased, have petitioned this Court, setting forth that a Judgment hath been rendered against said Administrators on a Report of Referees in favor of James Seavy in an Action on the Case, commenced against them in their said capacity, by said Seavy in the inferior Court holden at Exeter in and for the County of Rockingham on the second Tuesday of August Anno Domini one thousand seven hundred eighty six; and that it hath since appeared from evidences not then in the power of the Petitioners to obtain, that said Judgment was erroneous, and praying leave to reeneter their said Action in said Court and to prosecute said Action to final Judgment and Execution in the same manner as if said Action was by Law open to a Review—

Which prayer appearing reasonable,

Be it therefore enacted by the Senate and House of Representatives in General Court convened that the aforesaid Richard Jenness, Simon Jenness & Thomas Jenness in their aforesaid Capacity be and hereby are impowered to reenter the aforesaid action on the Case in the next Inferior Court of Common Pleas that may be holden in and for the County of Rockingham—And said Court of Common Pleas are hereby authorized and impowered to take cognizance of, hear, try and determine said Action as tho' the former Judgment rendered on the aforesaid Report of Referees had not been intended to be final—And the aforesaid Richard, Thomas and Simon are hereby impowered to make any new pleadings in said Action and in all other respects to proceed in and defend said Action in the aforesaid Capacity as fully and in the same manner as if said Action was brought on trial by review in the ordinary course of the Law, and all proceedings had upon the Judgment on said report shall be and hereby are rendered null and void.

## [CHAPTER 37.]

*State of  
New Hampshire.* }

## AN ACT LIMITING SUITS ON PENAL STATUTES.—

[Passed January 26, 1790. Original Acts, vol. 11, p. 153; recorded Acts, vol. 6, p. 89. See act of June 16, 1791. Laws, 1792 ed., p. 160.]

Be it enacted by the Senate and House of Representatives in General Court convened, that all actions, suits bills, or informations, which shall hereafter be had, brought sued, or commenced for any forfeiture upon any penal Statute made, or to be made, the benefit whereof is or shall be, by the said Statute, limited in whole or in part to the person or persons who shall inform and prosecute in that behalf shall be had, brought, sued, or commenced by any person that may lawfully pursue the same as aforesaid within one year from the passing this Act, for past offences, and for all offences that shall hereafter be committed, one year from the time of committing them, and not afterwards: And in default of such pursuit, then the same shall be had brought or prosecuted by the State at any time within two years next after passing this Act, for past offences and for all offences that may hereafter be committed, two years from the commission of such offences, and not afterwards. And any Indictment for any offence against such statute as aforesaid, shall hereafter be found and prosecuted within two years limited as aforesaid, and not afterwards any Law, usage or custom to the contrary notwithstanding, excepting in the instances herein after mentioned. Provided nevertheless, that when any action suit, information or indictment for any offence against any penal statute, is or shall be limited by such statute to be brought, within a shorter time than is above mentioned, the action, suit, information or indictment in every such case shall be brought within the time limited by such statute.

Be it further enacted that all actions suits bills or informations which may be brought for any offence that shall be committed against the Excise Laws, shall be had, brought, sued, or commenced within two years from the time of committing said offence and not afterwards. And all actions suits bills or informations against any penal statute shall be brought and prosecuted in the county where the offence has been or may be committed, & not elsewhere, and in all such actions, suits, bills, or informations as aforesaid the Defendant or Defendants, may plead the General Issue and give any special matter in evidence, which shall be as effectual to all intents & purposes, as though the same had been specially pleaded.

Provided always that this Act shall not extend to any suit grounded on any statute of or concerning any Customs or Impost duties—

VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED  
DURING THE LAST SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, January 13, 1790.

Whereas a vote passed this House in June last to appoint Jeremiah Ames Jun<sup>r</sup> a Surveyor to Survey a tract of Land granted by the General Court in February last to the use and benefit of Dartmouth Colledge but in the hurry of business was not penned and as the Trustees of said Colledge hearing that the said Eames was appointed for that purpose wrote to him requesting him to Survey the same which he has accordingly done—Therefore voted that the Survey made by the said Eames be as good and valid to all intents and purposes as if said vote had then regularly passed the Legislature of this State—

Senate concurred January 16, 1790.

*State of* }  
*New Hampshire.* }

In the House of Representatives, January 14, 1790.

Whereas the holding of the Courts of Probate of Wills in the County of Rockingham at any one fixed place has been found to be very inconvenient to many of the citizens of said County—Therefore be it Resolved that the Probate Courts for said County be in future held at the Respective times and in the places hereafter mentioned (viz)

At Portsmouth on the third Wednesdays of the months of February June and October—At Exeter on the third Wednesdays of the months of March, July and November—At Londonderry on the third Wednesdays of the months of April August and December and at Epsom on the third Wednesdays of the months of May September & January annually and that the Judge of Probate take notice and govern himself accordingly—

Senate concurred January 18, 1790.

*State of* }  
*New Hampshire.* }

In the House of Representatives, January 22, 1790.

Whereas by the Adoption of the Federal Government some alterations in the Oath of Allegiance as prescribed by the Constitution of this State has become necessary

Therefore be it Resolved by the Senate and House of Representatives in General Court convened that in the administration of said Oath in future the words Sovereign and Independant shall be Omitted and confederated be substituted in lieu thereof and in addition to the persons authorized to Administer the Oaths to the Civil Officers of this State any two Justices of the Peace & Quorum through the State or any of said Justices with any one of the persons heretofore Authorized to administer such Oaths, or any one of the afore mentioned persons with any Justice of the peace in their Respective Counties be and here-

by are impowered to administer said Oaths and certify the Same as the Law directs

Senate concurred January 22, 1790.

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*State of* }  
*New Hampshire.*

In the House of Representatives, January 23, 1790.

Voted that Jeremiah Smith, Nathaniel Peabody and John Samuel Sherburne Esqr<sup>s</sup> be and they hereby are appointed a Committee to select revise & arrange all the Laws and public Resolves of this State now in force whether passed before or Since the Revolution that the Same may be compiled in one volume and to prepare an Intelligible index to be affixed thereto that the said Committee attend on the business in the Recess of the General Court that the Same may be compleated and report made thereof at the next June Session of the said Court for their Examination and Sanction in order that the said Laws and Resolves may be printed and bound by any printer in this state who will do the work in the neatest best and cheapest manner—

Senate concurred with the following amendment:

“That His Excellency the President be one of the above said Committee in the room of John Samuel Sherburne Esq”, with which amendment the house concurred.

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*State of* }  
*New Hampshire.*

In the House of Representatives, January 25, 1790.

Upon reading and maturely considering the proposed amendments to the Federal Constitution—Voted to accept the whole of said amendments except the Second Article, which Article was rejected—

Senate concurred January 25, 1790.

## [SEVENTH GENERAL COURT.]

[*Held at Concord, Two Sessions, June 2, 1790 to February 18, 1791.*]

## [OFFICERS OF THE GOVERNMENT.]

JOSIAH BARTLETT, PRESIDENT.  
 JOSEPH PEARSON, SECRETARY.  
 WILLIAM GARDNER, TREASURER.  
 EBENEZER SMITH, PRESIDENT OF THE SENATE.  
 THOMAS BARTLETT, SPEAKER OF THE HOUSE.  
 WILLIAM PLUMER, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Christopher Toppan,	Hampton.
Joseph Badger, Jr.,	Gilmanton.
Robert Wallace,	Henniker.
Lemuel Holmes,	Surry.
Jonathan Freeman,	Hanover.

## [MEMBERS OF THE SENATE.]

Joseph Cilley,	Nottingham.
Nathaniel Peabody,	Atkinson.
Peter Green,	Concord.
Oliver Peabody*	Exeter.
Nathaniel Rogers,	Newmarket.
John Waldron,	Dover.
Ebenezer Smith,	Meredith.
Ebenezer Webster,	Salisbury.
Robert Wallace,	Henniker.
Amos Shepard,	Alstead.
Sanford Kingsbury,	Claremont.
Jonathan Freeman,	Hanover.

\*Oliver Peabody resigned, and January 18, 1791, John<sup>1</sup>Bell of Londonderry was elected to fill the vacancy.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Canterbury,	Jeremiah Clough.
Chester,	Joseph Blanchard.
Epping,	William Plumer.
Epsom,	Michael McClary.
Exeter,	Benjamin Connor.
Greenland,	Joshua Weeks.

Hampton,	Christopher Toppan.
Hampton Falls,	Elisha Brown.
Kingston,	John Eastman.
Londonderry,	James McGregor.
Loudon,	Samuel Chamberlain.
Nottingham,	Thomas Bartlett.
Pelham,	James Gibson.
Pembroke,	Richard Bartlett.
Portsmouth,	George Gains.
	John Sherburne.
	George Wentworth.
South Hampton,	Phillips White.

## STRAFFORD COUNTY.

Barrington,	Samuel Hale.
Conway,	Andrew McMillan.
Dover,	John Kelley.
Durham,	Ebenezer Smith.
Gilmanton,	Joseph Badger.
Lee,	Paul Giles.
Moultonborough,	Nathan Hoit.
Rochester,	Barnabas Palmer.
Sandwich,	Daniel Beede.
Wakefield,	David Copp.

## HILLSBOROUGH COUNTY.

Amherst,	Daniel Warner.
Bedford,	Stephen Dole.
Boscawen,	Henry Gerrish.
Henniker,	William Wallace.
Hollis,	Daniel Emerson.
Lyndeborough,	Peter Clarke.
Merrimack,	Timothy Taylor.
New Ipswich,	Charles Barrett.
Peterborough,	Jeremiah Smith.
Raby,	Obadiah Parker.
Temple,	Francis Cragin.
Warner,	James Flanders.
Wilton,	Jacob Abbot.

## CHESHIRE COUNTY.

Acworth,	William Grant.
Alstead,	Oliver Shepard.
Charlestown,	William Page.
Chesterfield,	Moses Smith.
Cornish,	James Wellman.

Dublin,	Reuben Morse.
Fitzwilliam,	Abner Stone.
Jaffrey,	Benjamin Prescott.
Keene,	Jeremiah Stiles.
Newport,	Jesse Lane.
Plainfield,	Joseph Kimball.
Protectworth,	Samuel Duncan.
Richmond,	Jonathan Gaskill.
Rindge,	Daniel Rand.
Stoddard,	Thomas Penniman.
Surry,	Lemuel Holmes.
Swanzey,	Elisha Whitcomb.
Walpole,	Aaron Allen.
Westmoreland,	Archelaus Temple.
Winchester,	John Alexander.

## GRAFTON COUNTY.

Bath,	Samuel Young.
Enfield,	Ebenezer Hoit.
Haverhill,	Moses Dow.
Holderness,	Moses Baker.
Lebanon,	Elisha Payne.
New Chester,	Thomas Crawford.
Northumberland,	Jeremiah Ames.
Orford,	Theodore Dame.
Piermont,	William Tarlton.
Plymouth,	Abraham Burnham.



[*First Session Held at Concord, June 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 1790.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT INTITLED  
AND ACT TO RESTORE JOHN HOGG AND OTHERS TO THEIR  
LAW—

[Passed June 14, 1790. Original Acts, vol. 12, p. 1; recorded Acts, vol. 6, p. 99.  
The act referred to is dated January 15, 1790.]

Whereas in and by said act it is among other things enacted  
“that certain Actions therein mentioned be referred to Timothy  
Walker John Bell Robert M<sup>c</sup>Gregore John Calf and Robert  
Wallace Esquires the report of whome or any three of them  
on the Matters Submitted, if made to said Court within six  
months from the passing of that act and Judgment thereon  
rendered shall be final and conclusive”—

And whereas by reason of disability of Body of two of the  
above named referees and the non-Attendance of one Other of  
them a tryall could not be had at the time appointed for the  
same neither Could the said referees be Conven'd since so as  
a report could be made

Be it Therefore enacted by the Senate and House of Repre-  
sentatives in general Court Conven'd, that if report in pur-  
suance of and agreeable to said Act be made to said Court in  
Six months from the passing of this act, and Judgement rendered  
thereon the same shall be as effectual in law, as if made within  
the time mentioned in said act—

And whereas in the preamble of the aforementioned Act it is  
recited, that Judgment was rendered in certain cases therein  
mentioned in April Term 1783 when in fact the report was made  
to Said Court in April 1783 but Judgement not rendered till  
July term Anno Domini 1783, at which term it was rendered  
upon Said Actions—and least doubts and difficulties may Arise  
on Account of the aforementioned mistake in the preamble of  
the aforementioned act—

Be it therefore Enacted by the Authority aforesaid, That the  
aforementioned act, Shall be considered as having refferance to  
the Judgement rendered in July Term 1783 in the Actions men-  
tioned in Said Act. And that Act be as effectual in Law for the  
accomplishment of the purposes therein mentioned as if it had  
been recited that Judgement had been rendered in July term  
A D: 1783, any law usage or Custom to the Contrary notwith-  
standing—

## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE OLIVER FARWELL AND DANIEL STEARNES  
TO SELL THE REAL ESTATE OF JOSIAH HODGMAN LATE OF  
MERRYMACE DECEASED—INTESTATE

[Passed June 15, 1790. Original Acts, vol. 12, p. 2; recorded Acts, vol. 6, p. 100.]

Whereas Josiah Hodgman of Merrymace in the County of Hillsborough in Said State husbandman departed this life about two years ago leaving a widow five young children and a small estate, and Oliver Farwell & Daniel Stearnes prefer'd a Petition to this court setting fourth, thatt said Widow administred but did not live to settle the s<sup>d</sup> estate and that they are now the administrators of the Said Hodgmans Estate. And that the personal Estate is insufficient for the payment of the debts, and as the place is small to sell a part and not the whole could not be done to so good Advantage for the children as if the whole should be sold at once. they therefore pray'd to be enabled by An Act of the Legislature to sell and convey the whole of the real Estate of the said deceas'd, for the discharging the debts and incidental charges, and for what money then remain'd to be let out on Use for the benefit of the deceas'd children. Which prayer appearing reasonable

Be it Therefore Enacted by the Senate and house of Representatives in general Court conven'd, That the said Oliver Farwell and the said Daniel Stearns, in their said Capacity be and hereby are fully Authorized and impowered to Sell and convey the whole of the real Estate which the said Josiah Hodgman died Seiz'd of which sale shall be by auction at some public place in said Merrymace but not till after the intentions of such sale has been made public at least one month before hand which shall be done by Advertising the same in writing in some public place in Amherst and Merrymace and when a sale of the said real estate shall be so made, the said Oliver Farwell and the said Daniel Stearns are hereby fully Authorised and impowered to make or cause to be made such instrument or instruments as shall be necessary to convey and confirm to the purchaser or purchasers all the Right title and interest which the said Hodgman had at the time of decease to the said Estate which Instrument and Instruments Deed and Deeds made as aforesaid and duly executed by the said Oliver Farwell and the said Daniel Stearns shall be Sufficiant in law for the ends aforesaid—The said Oliver Farwell and Daniel Stearns first giving bond to the Judge of probate for said County for Such a Sum as he shall

direct to Account with him or his Successor in Said office as is customary in Such Cases—

[CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE SUPERIOR COURT OF JUDICATURE FOR THE COUNTY OF ROCKINGHAM TO BE HOLDEN AT PORTSMOUTH ON THE FOURTH TUESDAY OF APRIL 1791 TO TAKE COGNIZANCE OF AND GIVE JUDGMENT IN AN ACTION WHEREIN WILLIAM JAMES OF BRISTOL IN THE COUNTY OF BRISTOL AND KINGDOM OF GREAT BRITAIN MERCHANT WAS APPELLANT AGAINST GEORGE MESERVE OF PORTSMOUTH IN THE PROVINCE OF NEWHAMPSHIRE MERCHANT APPELLEE

[Passed June 15, 1790. Original Acts, vol. 12, p. 3; recorded Acts, vol. 6, p. 101.]

Whereas James Sheafe Administrator of the Estate of s<sup>d</sup> George Meserve deceased & George Wentworth Supply Clap & others Creditors to the s<sup>d</sup> Estate have petitioned the General Court of this State setting forth that in the year 1768 George Meserve Esq<sup>r</sup> now deceased being then greatly embarrassed in his affairs conveyed his Estate to Daniel Pierce William Parker and William Torry in Trust in order that it might be by them equally divided among his Creditors, Two of the said Trustees have since died and the other a refugee is now a resident in England by which events the conveyance if ever valid is now become inoperative and the design of the said Meserve frustrated—In the year 1769 William James of Great Britain on a demand against Samuel Mofatt and Company recover'd Judgment at the Inferior Court by default for upwards £1500 Sterling and levied his Execution on the Estate of the said George Meserve who was at that time out of the Country; immediately on his return he review'd his action at the Inferior Court and there reversed the Judgment and he recover'd also at the Superior Court and at the then Court of appeals before the Governor & Council from which Judgment the said James appealed to the King in Council in Great Britain which appeal was never prosecuted to final Judgment—Said Meserve being all this in possession of the s<sup>d</sup> Estate neglected to take out Execution at the Court of appeals and levying it on the Estate Ye s<sup>d</sup> James took from him by his Execution from which omission and from the conveyance in trust it now remains doubtful whether s<sup>d</sup> Estate can be sold as said George Meserve's property—Wherefore they prayed that the s<sup>d</sup> Administrator may be enabled by an act of this Court to make sale of the Estate of the s<sup>d</sup> Meserve agreeably to a licence he has receiv'd

from the Judge of Probate and to give a good title of the same to the Purchaser in order that the Estate may be settled and the Creditors may be paid their Just demands or relieve said Petitioners in such other way as s<sup>d</sup> General Court may think fit which prayer appearing reasonable—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened that the legal Representatives of the said William James have leave to enter and prosecute said appeal made to the King of Great Britain in Council at the Superior Court of Judicature to be holden at Portsmouth in and for the County of Rockingham on the fourth Tuesday of April next on or before the third day of the Court's Sitting—and upon failure or neglect on the part of the legal Representatives of the s<sup>d</sup> Appellant to enter and prosecute said Action—That the Administrator of the said George Meserve be and hereby is impowered to file a Complaint at s<sup>d</sup> Court and have affirmation of the last former Judgment for reversal with additional damages & Cost—And that the said Superior Court be and hereby is impowered & directed to take cognizance of said Action and give Judgment and issue Execution thereon in the same way and manner as tho' s<sup>d</sup> action had regularly come before s<sup>d</sup> Court upon action of review in the ordinary course of Law Provided Nevertheless that s<sup>d</sup> Petitioners cause this act to be published in the Newhampshire Gazette three weeks successively six months prior to the sitting of s<sup>d</sup> Superior Court in April next—

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT TO IMPOWER ABEL ALLEN TO SELL CERTAIN LAND IN CHESTERFIELD IN THE COUNTY OF CHESHIRE, BELONGING TO HIS WARDS.

[Passed June 16, 1790. Original Acts, vol. 12, p. 4; recorded Acts, vol. 6, p. 103.]

Whereas Abel Allen of Sullivan in the County of Cheshire hath petitioned the General Court setting forth that he is guardian to Ebenezer Allen Jun<sup>r</sup> Molly Allen and Thankful Allen, minors and children of Ebenezer Allen late of Ashburnham in the County of Worcester and Commonwealth of Massachusetts deceased; that said minors own a certain tract of land laying in Chesterfield in said County of Cheshire containing about fifty acres, being lot numbered nine in the eighth range of house lots which fell to them by the death of their father, including the widow's dower: That all the debts that the deceased owed are now settled and paid: That the said children since the

death of their father have been visited with very severe sickness, and great expence hath been incurred which their Mother is unable to pay: That the land aforesaid is uncultivated, wild and of no annual profit: Wherefore he prayed that the General Court wou'd authorize him to sell the said Minors' rights, & shares in the land aforesaid, and appropriate the Monies arising therefrom to pay the debts of the said Minors, and the surplusage (if any there be) to appropriate for the use and benefit of the said Minors—Which petition having been read and fully considered & the facts therein set forth appearing true, and the granting the prayer thereof reasonable:

Therefore—Be it enacted by the Senate and house of Representatives in General Court convened—That the said Abel Allen be and he hereby is fully authorized and empowered to sell and convey all the right and title of said wards in and to said Premises to any person or persons who shall purchase the same: and a deed or deeds made and executed by the said Abel Allen of the aforesaid premises (the widow's dower excepted) shall as fully and effectually convey the fee thereof, as if the same had been done by the said Ebenezer Allen in his life time.

And be it further enacted by the authority aforesaid, that the said Abel Allen shall before he proceeds to sell the aforesaid premises give bond to the Judge of Probate for the County of Cheshire with sufficient sureties, conditioned that he his heirs, Execu<sup>rs</sup> and Admin<sup>rs</sup> shall faithfully and honestly account with his said wards for all Monies arising from the sale of said premises when they arrive at full age, or in case of their death while minors with their heirs. And the Judge of Probate for said County is hereby directed to administer an oath to said Guardian purporting that he the said Guardian shall act honestly and faithfully in selling said premises for the best Interest of his wards, and give the said Guardian directions in writing relative to the manner in which he shall advertize the same for sale, and proceed in the sale thereof, which directions said Guardian shall follow.

## [CHAPTER 5.]

*State of  
New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN LOCATIONS IN THE COUNTY OF GRAFTON BY THE NAME OF BARTLETT

[Passed June 16, 1790. Original Acts, vol. 12, p. 5; recorded Acts, vol. 6, p. 105.]

Whereas the Inhabitants of Starks and M<sup>c</sup>Millan's Locations have petitioned the general court setting forth that they labour under many difficulties by reason of their not having the privi-

leges of incorporated towns, and praying that they may be formed into a district by themselves, or joined to some of the adjacent locations, so that they may enjoy the privileges of other incorporated towns and places within this State: which prayer appearing reasonable and just—

Therefore—

Be it enacted by the Senate and House of Representatives in general court convened, that the Locations granted to Andrew McMillin, William Stark, Philip Bayley, Vezy Royce and James Gray situate in the County of Grafton, be and hereby are erected and incorporated into a town by the name of Bartlett And the Inhabitants thereof are hereby erected into a Body politic and corporate to have continuance and succession forever, and invested with all the powers and enfranchised with all the rights, privileges and immunities, which any town in this state holds and enjoys; to hold to said Inhabitants and their successors forever—And Andrew McMillin Esq<sup>r</sup> is hereby authorized to call a meeting of said Inhabitants, to choose necessary and customary town officers, giving fourteen days notice of the time, place and design of such meeting, which meeting shall be held in Stark's location, and the officers then chosen shall be invested with all the powers and authority of such officers in any other town in this state, and every other meeting which shall be holden in said town for that purpose annually, shall be held on the first tuesday of March forever—

#### [CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE INHABITANTS OF THE ONE MILE SLIP AND DUXBURY SCHOOL, FARM, TO LAY OUT, MAKE, AND REPAIR ALL NECESSARY HIGH-WAYS & BRIDGES WITHIN THEIR DISTRICT AND TO RAISE MONEY AND APPLY IT FOR SCHOOLING THEIR YOUTH IN THE SAME MANNER AS THE SEVERAL INCORPORATED TOWNS IN THIS STATE ARE IMPOWERED BY LAW TO DO—

[Passed June 16, 1790. Original Acts, vol. 12, p. 6; recorded Acts, vol. 6, p. 106.]

Whereas the Inhabitants of the one Mile slip and Duxbury school farm, labour under many and great Inconveniences by reason of their not being impowered to lay out, make, and repair any publick roads or Highways through said district, nor to raise any money to be applied for the Schooling of their youth,—

Therefore be it Enacted by the Senate and House of Representatives in General Court convened, That the Inhabitants of the District of the one Mile slip and Duxbury school Farm,

Be and they are hereby Impowered and directed to Choose Surveyors of High-ways and to raise money by Vote for the purpose of making and repairing the publick Roads or High-ways in said Destrict, and to raise money to be Applied in the Education of their youth in the same way and manner and under the same regulations and penalties that the Several Incorporated Towns in this State are impowered directed, and Subjected to,—

And be it further Enacted by the Authority aforesaid, that the Select men or Assessors and Surveyors of High-ways in said district—Be and hereby are invested with all the powers and liable to all the penalties established by law for the Select men or Assessors and Surveyors of High-ways in the several Incorporated Towns within this State, so far as it respects the laying out makeing and repairing publick roads high-ways and bridges and the Instruction of Youth—

### [CHAPTER 7.]

*State of  
New Hampshire.* }

#### AN ACT TO ENABLE JACOB BURBANK TO SELL THE LAND OF HIS WARD.

[Passed June 17, 1790. Original Acts, vol. 12, p. 7; recorded Acts, vol. 6, p. 107.]

Whereas Jacob Burbank of Washington in the County of Cheshire & State of Newhampsh<sup>r</sup> hath Petitioned the General Court Representing that he is Guardian to Charlette Pollock a young Woman who has been disabled in her limbs from her childhood & otherwise indisposed in body, so that shee is in no capacity to take care of herself That said Charlotte is seized of a certain tract of land in s<sup>d</sup> Washington which is not divided from land belonging to other heirs of y<sup>e</sup> same Estate, that the income of her land, however improved, will by no means answer the charge of her support, and other debts, which are the necessary consequence of her indisposition, Wherefore the s<sup>d</sup> Jacob prayed the General Court to take this matter under consideration & to grant relief in the case by giving leave to sell the land of his s<sup>d</sup> Ward, and to apply y<sup>e</sup> price of it to pay the debts which have arisen and such as may arise in future from y<sup>e</sup> circumstances she has been and is altogether likely to be in—the prayer of which petition appearing reasonable

Therefore Be it enacted by the Senate and House of Representatives in General Court convened that the s<sup>d</sup> Jacob Burbank be and he hereby is fully authorized & impowered to sell & convey the land owned by his ward and to apply y<sup>e</sup> money arising from said sale to y<sup>e</sup> support of his said Ward and to discharge the debts that have or hereafter may arise for her neces-

sary support and to account for y<sup>e</sup> same with y<sup>e</sup> Judge of Probate of Wills & C in said County in the same manner as guardians are by law obliged to account for y<sup>e</sup> rents & profits arising from real estate owned by their wards and the s<sup>d</sup> Burbank shall before he proceeds to Sell said land give Bond to y<sup>e</sup> said Judge with sufficient sureties in a sum equal to double the value of said land for the faithful execution of the trust reposed in him by this act

## [CHAPTER 8.]

*State of  
New Hampshire.* }

### AN ACT DIRECTING THE MODE OF CHOOSING REPRESENTATIVES TO THE CONGRESS OF THE UNITED STATES.—

[Passed June 17, 1790. Original Acts, vol. 12, p. 8; recorded Acts, vol. 6, p. 108. See act of June 21, 1792.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Inhabitants of the several Towns, Parishes, Plantations and Places unincorporated in this State, which are qualified to vote for State Representatives shall assemble in their respective Towns, parishes or places on the last Monday in August next to elect by ballot three persons having the qualifications required by the Constitution of the United States, to represent this State in Congress.—And the Selectmen of the several Towns, parishes and places afores<sup>d</sup> shall give fifteen days notice of the design of said meeting, and shall during the choice of Representatives preside at such meeting impartially and shall receive the votes of all the Inhabitants of such Towns, parishes and places present and qualified as aforesaid, and shall sort & count the same in the meeting and in the presence of the Town Clerk who shall make a fair record in the presence of the Selectmen and in open meeting of the name of every person voted for, and the number of votes against his name, and a fair Copy of this record shall be attested by the Selectmen and Town Clerk, & shall be sealed up and directed to the Secretary of this State with a Superscription expressing the purport thereof, and returned into the Secretary's office on or before the second Thursday of October next, who shall lay the same as soon as may be before the President & Council to be by them examined; and in case there shall appear to be any or the full number returned, elected by a majority of votes, he or they so chosen shall be declared elected: but in case there shall not be any or the whole number elected, the President and Council shall make out a list of such persons as have the highest number of votes equal to double the number of Representatives wanted, & if in completing such list it shall so happen that two



or more persons voted for, shall have an equal number of votes the names of such persons shall be put into a box and the Secretary shall draw the number wanted to complete such list—And the names of the persons contained in such list shall be transmitted to the Selectmen of the several Towns, parishes and places afores<sup>d</sup> who shall thereupon warn a meeting to be holden on the second Monday in December next giving at least eight days notice; and the Inhabitants of each Town qualified as aforesaid shall out of such list give in their votes for the number of Representatives wanted.—

And the Selectmen and the Town Clerk as aforesaid shall cause a record of the number of votes against each man's name in such list to be made, and a Copy thereof attested in manner aforesaid to be transmitted to the Sheriffs of their respective Counties within ten days after said votes are given in, or to the Secretary's office on or before the second Thursday in January next.

And such votes shall be examined by the President and Council for the time being, or by such of them whose names are not contained in such list; and in case it shall appear to the President and Council that the names of a major part of the Council are in said list, then the same shall be examined and counted by a Committee chosen by the General Court for that purpose—And such number of Candidates equal to the number of Representatives wanting, as shall have the highest number of votes shall be declared elected—And in case it shall so happen by reason of an equality of votes, a choice of the whole number or any part of the Representatives wanted cannot be declared, the names of such Candidates shall be put into a box, and the Secretary shall draw out the number wanted: And the person or persons so drawn out shall be declared elected; and the members chosen and declared as aforesaid shall be Representatives of the State of New Hampshire in the Congress of the United States for the term of two years from the first Monday in March next, and the Secretary shall as soon as may be notify them of their appointment. And each of the Representatives shall have a Certificate of their election under the seal of this State, signed by the President and countersigned by the Secretary of said State.

And be it further enacted by the authority aforesaid that all vacancies of Representatives to Congress aforesaid that shall happen by death, resignation or otherwise shall be filled up in manner following, to wit: Upon notice of any such vacancy, the President for the time being, by & with advice of Council, shall issue precepts to the Selectmen of the several Towns, parishes, plantations & places unincorporated aforesaid, requiring them to warn the Inhabitants of their respective Towns, parishes, Plantations and places aforesaid to meet on a certain day to be mentioned in said precept to vote for a Representa-

tive or Representatives to fill up such vacancy and the same mode shall be pursued in filling up said vacancies as is already pointed out in and by this Act for choosing s<sup>d</sup> Representatives—And the respective Sheriffs and Town Clerks shall be liable to the same penalties for the neglect of the duties enjoined on them by this act as they are by Law in case of votes for President and Senators of this State.—

[CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO VACATE & ANNUL A CERTAIN DEED MADE BY JOSEPH BLAKE TO HIS SON ISAAC BLAKE DATED JANUARY THIRD 1789—

[Passed June 17, 1790. Original Acts, vol. 12, p. 9; recorded Acts, vol. 6, p. 118.]

Whereas Joseph Blake hath petitioned this Court setting forth, that on the ninth day of May 1782 he conveyed to the said Isaac Blake his only Son one half of all his real estate in Keene, that afterwards on the third day of January 1789—Then being languishing under a severe and dangerous Fever & wholly unfit to make any proper disposition of his Estate, he was persuaded to take back the deed of the moiety, & execute a deed of the whole to his said Son taking a lease only of the one half during his natural life, that his Son is since dead, and he is likely to suffer & come to want. that he has two Daughters who have received no portions, and are wholly unprovided for, And praying the Deed made to his Son on the third day of January 1789 may be vacated annulled & made wholly void, & the Deed of the moiety made to his Son on the ninth day of May 1782 may be established & made good & valid in Law to the Heirs of his said Son deceased—The prayer of which petition after a hearing thereon appearing reasonable and the Administrators on the estate of Isaac Blake consenting thereto

Be it therefore Enacted by the Senate & House of Representatives in General Court convened that the deed made on the said third day of January 1789 by the said Joseph Blake to the said Isaac be & the same is hereby declared null & absolutely void, and that the deed from the said Joseph to the said Isaac dated May ninth 1782 be, & the same hereby is declared good & valid in Law to the legal Representatives of the said Isaac deceased Any Law Usage or Custom to the contrary notwithstanding—

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE JUDGE OF THE COURT FOR PROBATE OF WILLS &C, FOR THE COUNTY OF GRAFTON TO ALLOW A FURTHER TIME FOR THE COMMISSIONERS ON THE ESTATE OF TIMOTHY BEDEL LATE OF HAVERHILL IN SAID COUNTY OF GRAFTON ESQUIRE DECEAS'D REPRESENTED INSOLVENT TO RECEIVE EXAMIN AND REPORT THE CLAIMS AGAINST SAID ESTATE

[Passed June 18, 1790. Original Acts, vol. 12, p. 10; recorded Acts, vol. 6, p. 112.]

Whereas Moodey Beedel of Haverhill aforesaid administrator of the estate of Timothy Bedel above mentioned hath petitioned the General Court Setting forth, That said estate hath been represented insolvent and that eighteen months have been allow'd by Said Judge for the commissioners on Said Estate to receive examin and report said claims and that before said Claims were reported all the papers in the hands of said Commissioners were Unfortunately consum'd by fire, and pray'd that the Judge of the Court for the probate of Wills *and so forth* in said County of Grafton might be authorized to allow a further time of six twelve or eighteen months as said Judge may find necessary or convenient for the Commissioners to Receive examin and report said claims—

Which Facts being Sufficiently Substantiated, and the prayer of said petition appearing reasonable

Therefore Be it enacted by the Senate and house of Representatives in General Court convey'd That the Judge of the Court for the probate of Wills &c in Said County of Grafton for the time being, be and he hereby is fully authoriz'd and impowered to Allow the Commissioners on the estate of Timothy Bedel late of Haverhill aforesaid, Esquire deceas'd intestate represented insolvent a further time or times not exceeding eighteen months as the s<sup>d</sup> Judge of Said Court for the time being may find convenient and necessary for said Commissioners to receive examin and report a list of Said Claims, any law to the Contrary notwithstanding—

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO RESTORE JOHN SULLIVAN ESQ<sup>r</sup> TO HIS LAW IN AN ACTION HERETOFORE BROUGHT BY HIM AGAINST EBENEZER THOMPSON JUN<sup>r</sup> FOR DEFAMATION, AND JAMES SULLIVAN IN AN ACTION HERETOFORE BY HIM BROUGHT AGAINST SAID EBENEZER THOMPSON JUN<sup>r</sup> FOR ASSAULT AND BATTERY—AND ALSO TO RESTORE JOHN SULLIVAN JUN<sup>r</sup> JAMES SULLIVAN, GEORGE SULLIVAN JONATHAN STEELE AND MICAH DAVIS TO THEIR LAW IN AN ACTION BROUGHT AGAINST THEM BY THE SAID EBENEZER THOMPSON JUN<sup>r</sup> FOR ASSAULT AND BATTERY AND TO SET ASIDE THE REPORT OF CERTAIN REFEREES, AND THE JUDGMENT OF COURT THEREON IN SAID ACTIONS.—

[Passed June 18, 1790. Original Acts, vol. 12, p. 11; recorded Acts, vol. 6, p. 113.]

Whereas John Sullivan Esq<sup>r</sup> hath petitioned this Court setting forth that at the Superior Court of Judicature holden at Dover in and for the County of Strafford on the third Tuesday of April 1789 three Actions were pending, one brought by said Ebenezer Thompson Jun<sup>r</sup> against John Sullivan Jun<sup>r</sup> James Sullivan, George Sullivan Jonathan Steele and Micah Davis for a Trespass, Assault and Battery, another brought by James Sullivan against said Ebenezer Thompson Jun<sup>r</sup> and one by the Petitioner against said Thompson for defamation; That at said Court the same Actions were submitted to Reference and that the Referees made their Report to said Superior Court at September Term last—which reports said Petitioner supposes to be inconsistent and evidently founded in mistake or Partiality—And praying this Court that the whole of said Reports may be set aside and the Actions left open to be decided in the course of Law, the prayer of which petition upon a full hearing; for the Reasons assigned appearing reasonable—

Be it therefore Enacted, by the Senate and House of Representatives in General Court convened That the whole of the Reports in said Actions be and the same are hereby declared null and void and that the Judgments rendered thereon be & the same are hereby vacated, and that the said Sullivan have leave to reenter the whole of said Actions at the next Superior Court of Judicature to be holden at Dover in said County of Strafford on the second Tuesday of September next, and try the same by Jury or otherwise as may be agreed—And the Judges of said Court are fully impowered to hear and determine said Actions as fully as tho' said Reports had never been made or Judgment rendered thereon, any Law Usage or Custom to the Contrary notwithstanding—

Provided nevertheless That this act shall not have any force or affect unless the said Sullivan shall reenter the whole of said Actions at the Court aforesaid.

[CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT TO ALTER THE TIME OF HOLDING THE ANUAL MEETING  
IN THE TOWN OF CHESTER

[Passed June 18, 1790. Original Acts, vol. 12, p. 12; recorded Acts, vol. 6, p. 114.]

Whereas a Petition hath been prefered to the General Court by the Inhabitants of Chester Setting forth that the time of holding the anual meetings in said town is by the Charter therof Established on the last Thirsday of March at which Season the traveling is abundantly more difcult than at an Earlier day and often prevent many of the Inhabitants from attending s<sup>d</sup> meetings—for Remedy wherof—

Be it Enacted by the Senate & House of Representatives in General Court Conveen'd that in future the anual meetings in s<sup>d</sup> Chester for the Choice of town officers Shall Instead of the last thirsday be held on the Second thirsday of march anually any law usage or Custom to the Contrary Notwithstanding—

[CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT TO ENABLE  
THE SELECTMEN OF MOULTONBOROUGH TO ASSESS, LEVY AND  
COLLECT A TAX ON ALL THE LANDS OF NON-RESIDENT PRO-  
PRIETORS IN SAID TOWN FOR BUILDING BRIDGES AND REPAIRING  
HIGHWAYS IN SAID TOWN—

[Passed June 18, 1790. Original Acts, vol. 12, p. 13; recorded Acts, vol. 6, p. 115.  
The act referred to is dated January 6, 1790.]

Whereas in & by said Act, it is provided that a list of the taxes assessed upon said lands should be advertized in one of the Portsmouth papers by the first day of May then next, which time is elapsed

Be it therefore Enacted by the Senate & House of Representatives in General Court convened, That the time for advertising said list of Taxes be, and the same is hereby extended to the first day of July next, anything in said Act to the contrary Notwithstanding—

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT VESTING CERTAIN POWERS IN THE COMMISSIONERS APPOINTED TO RECEIVE AND EXAMIN THE CLAIMS AGAINST THE ESTATE OF JONATHAN MOULTON LATE OF HAMPTON ESQUIRE DECEASED, AND IN THE EXECUTORS OF HIS LAST WILL AND TESTAMENT"—

[Passed June 18, 1790. Original Acts, vol. 12, p. 14; recorded Acts, vol. 6, p. 116. The act referred to is dated February 3, 1789.]

Whereas Thomas Leavitt Executor of the last will and testament of Jonathan Moulton late of Hampton in the County of Rockingham and State of New Hampshire Esquire deceased, hath petitioned the general court, setting forth; that the general court, in and by the act aforementioned, granted sundry powers to the Executors of the last will of said Moulton; and that by the marriage of one of the said Executors Sarah Moulton of Hampton widow, the superior court have determined that the power of the said Sarah as Executor *doth cease*; and that it is doubtfull whether the powers vested in the said Sarah and Thomas, do now continue in the said Thomas solely: and praying that those doubts might be removed and the powers which by said act were vested in said Sarah and Thomas, might be vested in the said Thomas soleley. Which prayer appearing reasonable  
Therefore—

Be it enacted by the Senate and House of Representatives in general court convened, that the powers which by said act were vested in the said Thomas and Sarah, be and hereby are vested in the said Thomas solely; any law usage or custom to the contrary notwithstanding—

## [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE JAASIEL HARRIMAN TO HIS LAW.

[Passed June 18, 1790. Original Acts, vol. 12, p. 15; recorded Acts, vol. 6, p. 117.]

Whereas Jaasiel Harriman has petition'd the General Court, representing; "that an action of ejectment was Commenced against him at the Inferior Court of common pleas holden at Plymouth within and for the County of Grafton on the first tuesday of December last, by John Hurd of Boston in the County of Suffolk and Commonwealth of Massachusetts Esq<sup>r</sup>, to re-

cover about one hundred acres of Land in Bath in the County of Grafton which action the said Harriman meant to have defended, but by reason of a fall which brook two or three of his rebbs a short time before the setting of said Court of Pleas he was unable to appear and defend said action, by means of which he was defaulted,—he therefore prayed for some relief in the premises.—the facts being proved, & the prayer o<sup>f</sup> said Petition, after a hearing thereon appearing reasonable.—Therefore—

Be it enacted by the Senate & House of Representatives in General Court Convened—that the said Harriman have liberty to reenter said action at the Inferior Court next to be holden at Plymouth within & for the County of Grafton on the first Tuesday of September next and have liberty of pleading to, and Defending said action in the same manner he might have done had no such default taken place, provided he serve said Hurd, or his Attorney, Moses Dow Esq<sup>r</sup> with a Copy of this Act fourteen days before the said first tuesday of September;—any Law, usage, or custom to the contrary notwithstanding—

## [CHAPTER 16.]

*State of  
New Hampshire.* }

### AN ACT TO INCORPORATE THE TOWNSHIP OF CARDIGAN, INTO A TOWN BY THE NAME OF ORANGE.

[Passed June 18, 1790. Original Acts, vol. 12, p. 16; recorded Acts, vol. 6, p. 119.]

Whereas sundry of the Proprietors, and Inhabitants of the Township of Cardigan, in the County of Grafton, have petitioned the Generall Court of this State, setting forth the great Inconvenience they suffer in Assessing & Collecting their taxes, and praying for an Act to Incorporate the said Town of Cardigan, into a Body Politic and Corporate, to have Continuance, & Succession forever, by the Name of Orange; which appearing reasonable, and no reasonable objection being made against it, & it appearing to be for the Public Good.—

Be it therefore Enacted by the Senate, and House of Representatives in Generall Court Convened, & by the Authority of the same, that the said Town of Cardigan be Erected & Incorporated into a Town by the Name of Orange, by the following Bounds. Viz Beginning at the Southeasterly Corner of Cockermouth & running North Sixty four degrees West Six miles & one quarter of a mile, then turning off & running South forty one degrees West six miles by Canaan, to a Spruce tree—then turning off again & running South sixty five degrees East, six miles & three quarters of a mile, on Grafton line to a Spruce tree

Marked, from thence running North thirty two degrees East, five miles & three quarters of a mile by Plymouth to the Bounds began at—as by the Charter of said Town may appear, reference thereto being had, And the Inhabitants of said Tract of Land are hereby Erected, & Incorporated, into a Body Politic & Corporate, by the Name of Orange, to have Continuance & Succession forever, & are hereby Invested with all the Powers, & Infranchised with all the Priviledges, & Immunities, that any Town in this State doth hold & enjoy; to hold to the said Inhabitants & their Successors forever, And the Honourable Elisha Payne Esq<sup>r</sup> is hereby Authorised & Impowered to call a Meeting of said Inhabitants, to chuse all necessary & customary Town Officers, giving fourteen days notice of the time, place, & design of such Meeting, & the Officers then chosen shall hereby be invested with all the powers of such Officers, in any other Town in this State, And every other Meeting which shall annually be held in said Town, for that purpose shall be held on the third Monday in March forever—

[CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JAMES MCGREGORE ESQUIRE TO SELL CERTAIN LANDS.

[Passed June 18, 1790. Original Acts, vol. 12, p. 17; recorded Acts, vol. 6, p. 120.]

Whereas James McGregore of Londonderry in said State Esquire has petitioned the General Court representing that he is Executor of the last will of the Reverend David McGregore late of Londonderry deceased who was executor to James McGregore of said Londonderry deceased, that by the last will of the said James, he ordered all his Estate both real and personal to be divided into sixteen equal shares to and amongst his heirs, which was carried into effect by his said Executor so far as said estate had come to his hands; that since the decease of the said Rev<sup>d</sup> David McGregore—Your petitioner has found that a certain proprietor's share of Land in the Towns of Actworth and certain lands in Goffstown the property of the said James McGregore deceased, remain on hand and are still undivided by reason whereof the heirs aforesaid are deprived of any advantages in said property—And that a division of said property into sixteen shares wou'd be very injurious to the concerned—Wherefore he prayed that he might have leave to sell the said lands, accounting for the proceeds of the sale as Executors are by Law obliged to do in case of the sale of personal estates—



And it appearing reasonable after a full hearing on said petition that the prayer thereof should be granted—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the said James M<sup>c</sup>Gregore the petitioner be and hereby is authorized and empowered to sell at public auction all the Lands formerly owned by James M<sup>c</sup>Gregore deceased and now owned by the heirs of said last mentioned James not already divided giving thirty days notice of the time and place of sale by advertizing the same in one of the News-papers of this State thirty days at least before the day of sale and by setting up a like advertisement in each town where the said Lands or any part thereof lie by the like number of days before the day of sale—

And the said James M<sup>c</sup>Gregore the petitioner shall account with the Judge of probate for the County of Rockingham for the proceeds of the said sale in the same manner as Executors are by Law oblig'd to account for the proceeds of the sale of personal estate and shall give bond to the said Judge of Probate in such sum and with such sureties as the said Judge shall order for the faithful discharge of the trust repos'd in him by this Act and to account with the said Judge for the proceeds of the said sale as aforesaid which shall be divided amongst the heirs of the said James deceased, in the same proportions as the lands descended to them,—necessary charges of selling being first deducted.—

## [CHAPTER 18.]

*State of  
New Hampshire.* }

### AN ACT TO PREVENT THE DESTRUCTION OF SALMON SHAD & ALEWIVES IN MERREMAC RIVER & FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE

[Passed June 18, 1790. Original Acts, vol. 12, p. 18; recorded Acts, vol. 6, p. 122, Laws, 1792 ed., p. 354. This act repeals the act of February 6, 1789 and all acts mentioned therein, also the act of January 16, 1790. See additional act of January 12, 1795.]

Be it enacted by the Senate and House of Representatives in General Court convened that no person after the passing of this Act shall catch kill or destroy any Salmon Shad or Alewives in any part of Merrimac river within this State or in any of the Waters falling thereinto at any time from sunrising on any Saturday to sunrising on every wednesday next following on penalty of forfeiting for each fish so caught killed or destroyed a sum not exceeding forty Shillings nor less than five at the dis-

cretion of the Court or the Justice before whom the Trial for such offence may be

And be it further enacted

that no person from the first day of may to the last day of October annually shall erect or build any mill dam or other obstruction more than half way across the said River Merrimac or Winniposocke on penalty of forfeiting the sum of ten pounds for every such offence

And if any person shall continue during the time aforesaid any dam or other obstruction erected or hereafter to be erected contrary to this Act he shall forfeit and pay for every week the same shall be continued within the Term aforesaid the sum of Ten pounds and in that proportion for a longer or shorter time— And the Person so erecting or continuing such dam or other obstruction contrary to this act shall on Indictment & conviction for either of said Offences be fined a sum not exceeding ten pounds nor less than three at the discretion of the Court trying the same & the Court shall order the said dam or other obstruction to be removed

And be it further enacted

that when any dam or other obstruction shall be built on one side of said River Merrimac or Winniposocke no Person within the Term before mentioned shall erect or continue any dam or other obstruction on the other side of said River Merrimac or Winniposocke within one hundred yards either above or below such mill dam or other obstruction previously erected on penalty of forfeiting the sum of ten pounds

And be it further enacted

that no person from the first day of may to the last day of October annually shall erect or build any mill dam Ware or other obstruction upon or across any of the Streams falling into the said River Merrimac where fish usually pass or heretofore have passed so as thereby to prevent the free passage of the fish in said Streams or shall during the Term aforesaid continue any mill dam ware or other obstruction wheresoever the same may have been or may hereafter be erected on penalty of forfeiting the sum of ten pounds for every mill dam or other obstruction so erected & the same sum for continuing the same one week and in that proportion for a longer or Shorter time And the Person offending in either of the Cases aforesaid shall on Indictment & conviction be fined the sum of four pounds and the Court shall order the said dam or other obstruction to be removed

And be it further enacted

that no person shall at any time or any day catch kill or destroy any Salmon Shad or alewives within twenty yards of any mill dam or Sluice way in said River or any of the Streams falling into the same on penalty of forfeiting a sum not exceeding forty

Shillings nor less than five for each fish so caught kill'd or destroyed

And be it further enacted

that it shall & may be lawful for any Person to convert to His own use or destroy any Seine Nett or other Implement used in catching fish contrary to this Act

And be it further enacted

that all forfeitures before mentioned may be recovered in the County where the offence is committed by action before any Justice of the peace not interested where the sum does not exceed forty Shillings otherwise before the Inferiour Court of common pleas and shall be one half to the use of the prosecutor the other half to the use of the Town parish or place where the offence is committed

And be it further enacted

that all prosecutions for any offences against this Act shall be commenced within six months after the offence shall have been committed and not afterwards

And be it further enacted

that an Act passed February the sixth A D 1789 entitled an Act to prevent the destruction of Salmon Shad & alewives in Merrimac river & for repealing all laws heretofore made for that purpose and all the Acts therein mentioned & an additional act passed January the 16<sup>th</sup> 1790 be and hereby are repealed

Provided Nevertheless that all actions or prosecutions commenced by Virtue of any of said Acts may be prosecuted to final Judgment & execution in the same way & manner as tho' the same had not been repealed—

Provided also that the owners of Dams and other obstructions be allowed until the first day of September next for the removal of such Dams or other obstructions—

## [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JONATHAN SHERBURNE OF PORTSMOUTH PHYSICIAN TO ENTER AN APPEAL AT THE NEXT SUPERIOR COURT TO BE HOLDEN AT KEENE IN AND FOR THE COUNTY OF CHESHIRE, FROM A JUDGMENT RENDERED AGAINST THE SAID JONATHAN BY DEFAULT IN AN ACTION OF COVENANT BROKEN COMMENCED AGAINST HIM AND OTHERS BY JONATHAN WHITCOMB ESQ<sup>R</sup> AND TO ENABLE SARAH SHERBURNE & SAMUEL PENHALLOW WHO WERE SUED WITH THE SAID JONATHAN SHERBURNE, BUT NOT SUMMONED, TO BECOME PARTIES TO SAID SUIT—

[Passed June 18, 1790. Original Acts, vol. 12, p. 19; recorded Acts, vol. 6, p. 111.]

Whereas the said Jonathan & Sarah Sherburne & Samuel Penhallow have petitioned this Court setting forth that Jonathan Whitcombe Esq<sup>r</sup> commenced an Action of Covenant broken against them at the Inferior Court of Common pleas holden at Charlestown in & for the County of Cheshire on the third tuesday of December 1789, wherein only the said Jonathan was summoned, which summons he casually lost, whereby he as well as the said Sarah & Samuel were defaulted and Judgment rendered against them for the sum of three hundred pounds.—& praying this Court to provide a remedy for them in that behalf—

Be it therefore enacted by the Senate & House of Representatives in general Court convened, That the said Jonathan Sarah & Samuel be and hereby are enabled to enter said action of covenant broken at the next superior court that may be holden in & for said County of Cheshire, as Appellants, and to plead to said Action, & to prosecute the same as fully & in the same manner as if no default had been made at said Inferior Court—and as if said writ, had been served on all the parties. And the Justices of said superior Court are hereby authorized & empowered to admit such Entry to be made, with the pleadings of the parties, and to hear try & determine said action & to render Judgment and issue Execution thereon, as if said action had been regularly prosecuted by appeal from said Inferior Court and no default had been suffered—And all Executions & demands that either of said parties may have against the other shall be stayed untill the issue of such trial—

## [CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF PROTECTWORTH TO ASSESS THE NONRESIDENT OWNERS OF LANDS IN SAID TOWN FOR THE REPAIRING OF HIGHWAYS—

[Passed June 19, 1790. Original Acts, vol. 12, p. 20; recorded Acts, vol. 6, p. 130.]

Whereas the Inhabitants of the town of Protectworth in the County of Cheshire have petitioned the General Court setting forth that the public Roads in said town require much Labour to be done on them to make them passable and that it is Necessary that New roads be cut out and made passable immediately for the Benefit of Settlers in Different parts of said town as well as the public which they are unable to do Under their present circumstances, without help and praying that they may be Allowed to assess the Lands Owned by Nonresidents in a small sum towards repairing the highways in said protectworth which Appearing to be for the public good—

Therefore be it Enacted by the senate and house of Representatives in General Court Convened that the selectmen or Assessors of said Town of Protectworth be and hereby are empowered to Assess a tax of two pence per Acre on the Lands in said Town for one Year, and to collect the same by a Collector to be by them Appointed for that purpose and in Case of the Nonpayment of said tax by any of the Nonresident Owners of Lands in said town to Advertise for sale the Lands so Assessed & Owned by Nonresidents in the New Hampshire Gazette three Weeks successively and in case said tax should not be paid at the time mentioned in the Advertisement the Collector may proceed to sell so much of said Lands so Assessed as will pay the tax and Incidental Charges at Public Auction to the highest Bidder and Execute a good deed of the same—Provided nevertheless that the Owner or Owners may Redeem the same by paying to the purchaser Or Collector the full Amount of his or their tax with Incidental Charges within twelve months from the time of Sale—

And be it further Enacted that the Monies so raised and collected by the Inhabitants of said Town shall be Applied solely for the purposes of Making and Repairing the Highways in said town and that the said Selectmen Or Assessors do render A true Accompt upon Oath unto the Court of General Sessions of the Peace for said County within twelve months after they have Collected and Received said Tax what money they have Received and how they have Appropriated the same Under the penalty of one hundred pounds—In case of their

Neglect to be recovered in any Court proper to try the same the one half to the prosecutor the Other to the Use of the County—

Provided always that said Nonresidents have liberty of working out the said tax (in the way and manner usual for the Inhabitants to work Out their taxes), And that the said Non-residents be notified that their lands are taxed six months previous to their lands being advertized for Sale.

## [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF WARREN TO ASSESS THE NONRESIDENT OWNERS OF LANDS IN SAID TOWN FOR REPAIRING OF HIGHWAYS &C, THEIRIN—

[Passed June 19, 1790. Original Acts, vol. 12, p. 21; recorded Acts, vol. 6, p. 126.]

Whereas the Select Men of said Warren have petitioned this Court setting forth that the highways are much out of repair in s<sup>d</sup> Warren and that there is now wanting a Large and expensive Bridge to accomodate the public (which they are unable to build) and the Select Men of said Town by the said petition have pray'd that a Tax may be laid on the lands in said Town belonging to nonresidents for the purposes aforesaid, which prayer appearing Reasonable,

Be it therefore Enacted by the Senate and House of Representatives in General Court convened, that the Select Men or assessors for the said Town of Warren for the time being Be and hereby are fully authorized and empowered to assess a Tax of Two pence Per Acre upon all the nonresident lands in said Town which are now laid out, which Tax shall be set to the respective owners (if known) otherwise to the Original proprietors thereof and proper lists shall be made thereof the Number of the Lots Ranges and divisions and quantity of land such Lot shall contain set down as near as the same can conveniently be done and Committed to the Collector or Collectors who shall be by said Town chosen to collect the same with a proper Warrant therefor under their hands & Seal to Collect the same and pay it out as they shall from time to time require—

And such Collector or Collectors shall on receiving such list immediately advertise the same in the Newhampshire Gazette three Weeks successively—advertising such nonresident proprietors in said Town to pay their said Taxes within twelve Months Next after the time of such advertisement, and that they have leave to work out said Taxes, allowing three shillings p<sup>r</sup> day for an able bodied Man he finding himself And also that if such Tax is not paid by that time that he advertise for Sale—

And if in Case such Taxes respectively is not paid by the expiration of the said term of twelve Months such Collector or Collectors shall then proceed to advertise for Sale in said New-hampshire Gazette giving three Weeks notice as afforesaid that so much of the Land of each delinquent owner shall be sold by Auction as will pay the respective sums (with Incidental charges) at which such Lots were assess'd and in case of nonpayment at or before the time appointed for Sale. Such Collector or Collectors shall then proceed to sell as afforesaid and Execute Deeds of conveyance thereof to the purchaser or purchaseors which shall be deem'd Vallid provided the Sale shall be made between the hours of twelve & Six of the Clock in the afternoon of the day appointed by said advertisement and Conformable to this Act. Provided nevertheless that the owners respectively may redeem the same by paying to the Collector Purchaser or Purchasers his or their heirs or assigns the full sum of his or their respective Tax with incidental Charges within twelve Months from the time of such Sale—And be it further Enacted that the monies so Assess'd shall be applied solely for the purposes affore said under the direction of such person or persons as the said Town shall appoint & such person or persons shall render a just account of the Monies that shall be so Rais'd and of the appropriation thereof on Oath to the Court of General Sessions of the Peace for the County of Grafton within two years next after their appointment on the Penalty of One hundred pounds to be recover'd in any Court proper to try the same, the one half for the Use of the said County the other half to the use of the Prosecutor.—

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT TO IMPOWER THE TOWN OF WENTWORTH TO ASSESS THE  
 NONRESIDENT'S LANDS IN SAID TOWN FOR THE REPAIRING  
 BRIDGES AND HIGHWAYS THEREIN

[Passed June 19, 1790. Original Acts, vol. 12, p. 22; recorded Acts, vol. 6, p. 128.]

Whereas the Selectmen of Wentworth have Petitioned this court setting forth that they labour under great deficiulties for want of good roads and Bridges, in said Town, and that they have had but little assistance from nonresiding owners in making, roads &c and now more money is wanted to make the Traveling Feaseble than the Inhabitants are able to pay, and the Said Selectmen have by their said petition prayd that a Tax of two pence per acre may be granted on all the lots of land belonging to persons who do not reside in said Town for one year

to be laid out in repairing roads and bridges in said Town—which prayer appearing reasonable—

Be it Therefore enacted by the Senate and house of Representatives in General Court conven'd that the Selectmen or Assessors in Said Town for the time being Be, and hereby are fully authorized and empowered to assess and Leavy a Tax of two pence per acre on all the devided lands and lots in Said Wentworth belonging to non resident Proprietors and make complete lists thereof Setting down the numbers of the lots range and devision the quantity of acres as near as the same can be done with conveniency, the Sum Such Lot is taxed and the owners name if known otherwise the name of the Original Proprietor to which Such lot belong'd with proper Warrants to Collect the Same directing the money to be paid out as the Selectmen Shall from time to time require which list of Taxes so made Shall be delivered to Such Collector or Collectors as the Town shall Chuse for that purpose who shall be under oath Faithfully to do his duty. And such Collector or Collectors shall Immediately on receipt of list or lists cause to be advertised in the newhampshire Gazzette, three weeks successivly that a tax of two per acre is laid on all the devided lands\*belonging to nonresident Proprietors in Said Town and that their lands Will be advertised for Sale unless Such Tax is paid either by Labour on the s<sup>d</sup> Roads or in money within Six months from the date of the first advertisment and in Case any Such taxes Shall then remain unpaid either in money or labour after the expiration of the said Six months, That then the said Collector or Collectors shall immediately proceed and Advertise So much of Such delinquent's lots as will be Sufficient to pay Such tax with Incidental charges which Advertisment Shall be published in the s<sup>d</sup> Gazzette three weeks Successively, Six weeks before the day Appointed for the Sale of Such lots, which advertisment Shall contain the respective taxes, the quantity of acres each lot contains the Number of the Lot Rang and devision and the owners name if known otherwise the name of the original Proprietor of Such Lot and if the respective Sums according to Such assessment Shall not be paid at or before the day appointed for Such Sale either in money or labour the Said Collector or Collectors shall then proceed to Sell So much of each such delinquent's lot as will be Sufficient to discharge the Said tax and incedental charges as aforesaid and make and execute Deeds thereof as there shall be Occasion which Deeds shall be Vallid Provided Such Sales are made by Auction, and agreeable to this Act and between the houres of twelve & six of the clock in the afternoon of the day to be Appointed for Such Sale, Provided always that the owner or owners of any lands so Sold may redeem the Same by paying or offering to pay the purchaser or Purchasers the Collector or Collecters the full Sum of his or their respective tax the Interest



at the rate of Six per Cent per annum and incidental charges as aforesaid within twelve months from the time of Such Sale—and be it further Enacted that all the monies rais'd in Consequence of this Act Shall be Appropriated Solely to the use of repairing the roads and Bridges in Said Wentworth under the direction and inspection of Such person and persons as the said Town shall chuse for that purpose and Such person or persons as shall have the oversight of the said business shall render a Just and true Accot on oath of the expenditures of Said monies, and that the same has been duly Apply'd According to the true intent and meaning of this act within twenty four months from the date of their appointment to the Court of General Sessions of the peace for the Said County of Grafton on the forfeiture of the Sum of one hundred pounds to be recovered in any Court in this State proper to Try the same, one half for the use of the said County, the other half to the use of the person who shall Sue for the same—

## [CHAPTER 23.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF GILSON AND SULLIVAN TO ASSESS THE NON RESIDENT OWNERS OF LANDS IN SAID TOWNS FOR THE REPAIRING HIGHWAYS—

[Passed June 19, 1790. Original Acts, vol. 12, p. 23; recorded Acts, vol. 6, p. 124. See additional act of January 12, 1791.]

Whereas the Inhabitants of said towns of Gilson and Sullivan in the County of Cheshire have petitioned the general court Setting forth that they labour under many inconveniences on account of the badness of their roads their Country being mountainous with streams impassable without bridges and that the improvements made by said Inhabitants have considerably increased the value of the lands owned by the nonresidents, and praying that a tax of one penny per acre for two years upon the lands of the nonresidents may be granted them to be appropriated solely to the maintaining the publick roads and building bridges in said towns,—which appearing to be for the publick good—Therefore—

Be it enacted by the Senate and House of Representatives in general court convened, that the Selectmen or Assessors of each of said towns of Gilson and Sullivan respectively be and hereby are empowered to assess a tax of one penny per acre upon all the lands owned by nonresident owners of lands in their respective towns and to collect the same annually for two years, and by Collectors by them respectively appointed, and in case of the non payment of Said tax by any of said Nonresident owners to

advertise for sale the lands so assessed in the New Hampshire Gazette three weeks successively, and in case said tax should not be paid at the time mentioned in the advertisement the Collector may proceed to sell so much of said lands so assessed as will pay the tax and incidental charges, at publick auction to the highest bidder; and execute a good deed of the same—

Provided nevertheless that the owner or owners may redeem the same by paying the purchasor or Collector the full amount of his or their respective tax with incidental charges within twelve months from the time of sale,

And be it further enacted that the monies so raised and collected by the Inhabitants of said towns respectively shall be applied solely for the purposes of making and repairing the highways, and building bridges in said respective towns, and that the said Selectmen do render a true account upon oath unto the Court of General Sessions of the peace for said County within twelve after they have collected and received said tax, what money they have received and how they have appropriated the same under the penalty of one hundred pounds in case of their neglect, to be recovered in any Court proper to try the same, the one half to the prosecutor the other to the use of the County—

Provided always, that the Nonresident owners taxed as aforesaid have liberty of working out their respective taxes on said highways, at the rate of three Shillings per day for the labour of a man—And that the Nonresident owners be notified that their lands are taxed and the particular amount thereof Six months previous to their lands being advertised for Sale—

#### VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT THIS SESSION

*State of* }  
*New Hampshire.* }

In the House of Representatives, June 17, 1790.

Whereas Woodbury Langdon Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature for said state has at divers times neglected his duty in said Office in not attending at the times and places prescribed by Law for holding said Court (viz) at Amherst on the second Tuesday of May last and at Plymouth on the fourth Tuesday of said May—And likewise by means of his not attending upon his said duty the Court which by Law was to have been holden at Plymouth within and for the County of Grafton on the fourth Tuesday of May A D, 1789 was not holden at said time but adjourned until the monday next preceeding the third Tuesday of October in the Same year by means whereof no business could be done at said Court which Occasioned much inconvenience damage and uneasiness among the good citizens of this State—

And whereas it is Absolutely necessary that the Superior Court

should be composed of Gentlemen who can and will attend to the important business that must unavoidably be brought to said Court and the true genius of Republicanism dictating that it is absolutely essential that no Office in Government should be held as a Sinecure

Therefore Resolved that this house do impeach the said Woodbury Langdon Esq<sup>r</sup> of crimes and Misdemeanors and that a Committee be chosen to exhibit articles of impeachment to be laid before this House for their approbation and likewise to manage the prosecution in behalf of this House before the Honb<sup>l</sup> Senate—

Upon reading the foregoing motion was made that it be passed into a Resolve—on which motion the yeas & nays were called and the result was 35 Yeas and 29 Nays—so it passed into a Resolve

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*State of  
New Hampshire.* }

In the House of Representatives, June 18, 1790.

Voted that the Honb<sup>l</sup> Speaker, M<sup>r</sup> Hale, M<sup>r</sup> Warner M<sup>r</sup> Penniman & M<sup>r</sup> Young be a Committee to nominate three proper persons to draught Articles of Impeachment against the Honb<sup>l</sup> Woodbury Langdon Esq<sup>r</sup> and prosecute the same before the Honb<sup>l</sup> Senate—

Senate concurred June 18, 1790.

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*State of  
New Hampshire.* }

In the House of Representatives, June 18, 1790.

Voted that William Page Esq<sup>r</sup> Edward S Livermore Esq<sup>r</sup> and Jeremiah Smith Esq<sup>r</sup> be and they hereby are appointed a Committee to draught Articles of Impeachment against the Honb<sup>l</sup> Woodbury Langdon Esq<sup>r</sup> agreeably to a Resolve of this House of Yesterday and lay the same before this House and also to prosecute before the Honb<sup>l</sup> senate such impeachment as shall be approved by this House—

Senate concurred June 18, 1790.

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*State of  
New Hampshire.* }

In the House of Representatives, June 18, 1790.

Ordered that M<sup>r</sup> Payne, M<sup>r</sup> Warner, M<sup>r</sup> Stiles, M<sup>r</sup> Kimball & M<sup>r</sup> Wallace be a Committee to carry up the following Articles of Impeachment to the Honb<sup>l</sup> the Senate—

To the Honorable the Senate of the state of New Hampshire—

Articles of Impeachment of misconduct and Mal-administration in Office offered and presented against Woodbury Langdon Esq<sup>r</sup> one of the Justices of the Superior Court of Judicature for said State by the House of Representatives thereof convened at Concord in said State on the eighteenth day of June in the year of our Lord one thousand Seven hundred and ninety—

Whereas the said Woodbury Langdon Esquire for many years past hath been and now is a Justice of the Superior Court of Judicature

for said State—And whereas it is essential to the preservation of the rights of every citizen of the State his life, liberty, property & character that the Superior Court of Judicature should be holden at the times and places by Law prescribed by all the Justices of said Court in order that Justice may be administered to the good citizens of the State impartially, promptly and without delay, And whereas the public are at all times intitled to the Services of their Officers receiving Salaries—And whereas the said Woodbury Langdon Esq<sup>r</sup> hath wilfully and corruptly in various instances misbehaved in his said Office and hath neglected to attend the duties thereof by means whereof the said Courts have not been holden at the times & places by Law established and the administrations of Justice delayed to the great injury of the good citizens of said state—

Therefore the said House of Representatives do offer and present to the Honb<sup>l</sup> Senate against the said Woodbury Langdon Esq<sup>r</sup> Justice of the Superior Court as aforesaid all and Singular the general and Special Articles of impeachment following

Firstly The said Woodbury Langdon Esq<sup>r</sup> hath from time to time corruptly and wilfully neglected his duty as Justice of the Superior Court aforesaid in not attending at the times and places prescribed by Law for holding said Courts in the Several Counties in this state and hath misbehaved in said Office in his duty as a Justice of said Court—

Secondly The said Woodbury Langdon Esq<sup>r</sup> did not attend his duty as a Justice of said Court at the Superior Court by Law holden at Amherst within and for said County of Hillsborough on the Second Tuesday of May last past. At Charlestown within and for the County of Cheshire on the third Tuesday of said May—At Plymouth within and for the County of Grafton on the fourth Tuesday of said May nor did he at any time during the sitting of said Court at said times and places, by means whereof the citizens of this State and others resorting to said Courts for the decision of their causes then and there pending have been deprived of the benefit of trial—

Thirdly The said Woodbury Langdon Esq<sup>r</sup> did on the tenth day of May in the year of our Lord one thousand Seven hundred and eighty nine refuse to attend his duty at the Court by law to be holden at Plymouth in and for the said County of Grafton on the fourth Tuesday of the Same May and by reason thereof the said Court was not holden at said time and place to the great damage and injury of the good Citizens of this state, all which matters contained in the foregoing articles general & Special the said House of Representatives are ready to verify and prove—

And they do thereupon as the grand inquest of the State aforesaid impeach the said Woodbury Langdon of all and Singular the misconduct and Maladministration in his said Office of Justice of the Superior Court of said State contained and alledged in the Articles aforesaid, and saving to themselves by protestation the liberty of exhibiting at any time hereafter to the Honb<sup>l</sup> Senate aforesaid any complaints or allegations against the said Woodbury Langdon Esq<sup>r</sup> for any other misconduct and Mal-administration in his said Office not Specially contained in the Articles aforesaid also of replying to the answers which the said Woodbury Langdon Esq<sup>r</sup> shall make to the Articles aforesaid and of offering proof of the premises or of any of their Im-

peachments and complaints that shall be exhibited by them as the case may require—

They the said House of Representatives pray that the said Honb<sup>1</sup> Senate would order that the said Woodbury Langdon Esq<sup>r</sup> may be notified to make answers to the charges contained in the foregoing articles and to the impeachment preferred by this House of Representatives & be brought to trial thereon and that if he be found guilty thereof he may by the judgment of the Honb<sup>1</sup> Senate be removed from his Office of Justice of the Superior Court aforesaid and that such other judgment may be rendered thereon as shall be agreeable to Law and the Constitution—

[*Second Session, Held at Concord, January 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31; February 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 1791.*]

## [CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO EMPOWER THE INHABITANTS OF GILSOM & SULLIVAN TO ASSESS THE NONRESIDENT OWNERS OF LANDS IN SAID TOWNS FOR THE REPAIRING HIGHWAYS PASSED JUNE 19<sup>th</sup> 1790

[Passed January 12, 1791. Original Acts, vol. 12, p. 24; recorded Acts, vol. 6, p. 132.]

Whereas the following clause in said Act namely “And be it “further enacted that the monies so raised and collected by the “Inhabitants of said Towns respectively shall be applied solely “for the purposes of making & repairing the high ways & building Bridges in said respective Towns and that the said Select-men do render a true Account upon Oath unto the Court of “General Sessions of the peace for said County within twelve “after they have collected and received said Tax what money “they have received and how they have Appropriated the same “under the penalty of One hundred pounds in Case of their “neglect to be recovered in any Court proper to try the same “the one half to the prosecutor the other half to the use of the “County” is defective

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the before recited Clause be and hereby is repealed

And be it further enacted that the monies raised and collected by virtue of said Act by the Inhabitants of said Towns respectively shall be applied solely for the purposes of making and repairing the high ways & building Bridges in said respective

Towns and that the said Select men do render a true account upon Oath unto the General Sessions of the peace for said County within twelve month after they shall have collected and received said Tax of all monies they shall have so received & how they shall have Appropriated the same under the penalty of One hundred pounds in case of their neglect to be recovered in any Court proper to try the same the one half to the use of the prosecutor the other half to the use of the County.—

[CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF NEW CHESTER AND BRIDGE-WATER IN THE COUNTY OF GRAFTON TO LEVY A TAX ON ALL LANDS (PUBLICK LANDS EXCEPTED) IN SAID TOWNS FOR MAKEING AND REPAIRING THE HIGHWAYS.

[Passed January 14, 1791. Original Acts, vol. 12, p. 25; recorded Acts, vol. 6, p. 133.]

Whereas the Select men of the respective towns of New Chester and Bridge water aforesaid have Petitioned the General Court setting forth that their publick high-ways stand in great need of repairs and praying that all the lands in said Towns (Publick lots excepted) may be taxed one penny p<sup>r</sup> Acre for three years for the purpose of makeing and repairing said high ways and after a hearing the prayer of said petition appearing reasonable—  
Therefore—

Be it enacted by the Senate and house of Representatives in General Court convened—that the Selectmen or Assessors of said Towns respectively—be and hereby are empowered to Assess a Tax of three pence p<sup>r</sup> Acre on all the lands in the respective towns except the publick lots as aforesaid, for one Year, and the Select men of the respective towns shall appoint Collectors in their respective towns to collect the same, to be laid out and appropriated for the sole purpose of makeing and repairing the high ways in their respective towns, the tax on that part of the lands in the respective towns which is owned by residents shall be collected in the same way as Town taxes are by law to be collected, and the taxes on that part of the said lands which is owned by non-resident proprietors shall be collected in the same way as state taxes assessed on non resident proprietors by law is collected, except what relates to the advertizing by the person, appointed by the State at Exeter which may be omitted and in stead of such advertizeing the said collector or collectors shall two years previous to his advertizeing for sale notify in the New Hampshire Gazette the non resident

owners or proprietors of the taxes laid on their lands, and they shall have the liberty of working out their taxes on the highways where the Select men shall direct at the rate of three shillings per Day, for an able bodied man at any time between the first day of May and the last day of October within the said term of two years—

And where any lands are sold at publick Auction by vertue of this Act the Collector is hereby impowered to give a good and valid Deed of the same, and the same time shall be allowed for redemption, and the same mode be persued in redeeming, as in the case of lands sold for non payment of State Taxes—and the residents in the respective towns shall have liberty of Working out the sums on them Assessed at the rate aforesaid, and shall have one month's notice for that purpose and the said Select men or some person by them appointed shall superintend the Work—

And the said Select men shall render a true account on oath unto the Court of General sessions of the peace in said County within the term of three Years from the publication of the first Advertizement how they have appropriated the same, on penalty of forfeiting one hundred pounds for neglect herein, to be recovered in any Court proper to try the same, the one half to the use of the Prosecutor and the other half to the use of the County.

### [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECT MEN OF PACKERSFIELD IN THE COUNTY OF CHESHIRE TO ASSESS, LEVY, AND COLLECT, A TAX ON ALL THE LANDS OF NON RESIDENT PROPRIETORS IN SAID TOWN, OF TWO PENCE P<sup>R</sup> ACRE, FOR THE PURPOSE OF REPAIRING THE PUBLICK ROADS IN SAID PACKERSFIELD.

[Passed January 18, 1791. Original Acts, vol. 12, p. 26; recorded Acts, vol. 6, p. 135.]

Whereas the Select men of Said Packerfield have Petitioned the General Court setting forth that the public Roads in said Town are very bad; They therefore prayed that they may be enabled to raise a Tax of three pence p<sup>r</sup> Acre on each Acre of land owned by the non residents and after a hearing it appearing reasonable that the prayer of said petition should be granted in part.—

Therefore

Be it Enacted by the Senate and House of Representatives in General Court convened, That the Select Men of said Packer-

field be and hereby are empowered to Assess a Tax of two pence p<sup>r</sup> Acre on all the lands of the non resident Proprietors of said Town and to Collect the same by a Collector or Collectors by the said select men to be appointed; and the same money when collected, shall be appropriated to the sole purpose of repairing the high ways in said Packerfield and in case of non payment of said Tax by any of the said non resident owners the said Collector shall advertize the said lands of such delinquent proprietors for sale in the New Hampshire Gazette three weeks successively, and if the taxes and charges be not paid at the time mentioned in such advertizement for sale the said collectors may proceed to sell in the same way and manner as in the case of non payment of State Taxes, and the said collectors shall execute a good Deed of conveyance to the purchaser, and the same time shall be allowed for redemption as in the case of lands sold for state taxes as aforesaid, Provided always that the said nonresident proprietors shall have liberty of working out the tax assessed on their lands, on said high ways in such place as the said Select men shall direct at the rate of three shillings p<sup>r</sup> day for an able bodied man, And the said Select men shall superintend the work, and the said collector shall advertize in the new Hampshire Gazette the said non resident proprietors, their lands are taxed and each ones proportion of said Tax six months previous to advertizing said lands for sale, and the said non resident proprietors may do the labour at any time before the said Advertizeing for sale—

And be it further enacted, that the said Select men shall render a true account upon oath to the Court of General Sessions of the peace for said County of Cheshire within three Years from the passing of this act, how they have appropriated and expended the same on penalty of forfeiting one hundred pounds to be recovered in case of the said Select mens neglect to render an account as aforesaid, by any person who will sue for the same in any Inferior Court of Common pleas proper to try the same, one half to the use of the prosecutor and the other half to the use of the County—

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO ALTER THE TIME OF HOLDING ANNUAL MEETINGS IN THE TOWN OF RINDGE.

[Passed January 20, 1791. Original Acts, vol. 12, p. 27; recorded Acts, vol. 6, p. 136.]

Whereas the Selectmen of Rindge have petitioned the General Court in behalf of the Inhabitants of said Town, setting forth



that they labor under great disadvantages by means of their holding annual meetings so late in the month of March as the third Thursday, and praying that the time of holding said Meeting may be altered from the third Thursday to the first Tuesday in the same month; and it appearing reasonable that the same shou'd be done—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the annual meeting of the Inhabitants of the Town of Rindge heretofore established by Law to be holden on the third Thursday of March, shall forever after the expiration of the present year, be annually holden on the first Tuesday of said month; any law, usage or custom to the contrary notwithstanding.

[CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JOHN FISHER ESQUIRE TO TAKE, HOLD AND CONVEY CERTAIN LANDS IN LYMAN IN THE COUNTY OF GRAFTON—

[Passed January 20, 1791. Original Acts, vol. 12, p. 28; recorded Acts, vol. 6, p. 137.]

Whereas John Peirce of Portsmouth in the County of Rockingham Merchant, Agent & Attorney to John Fisher of London in the Kingdom of Great Britain Esquire hath, on behalf of said Fisher, petitioned the General Court setting forth that the said Fisher at the Inferior Court of Common pleas holden at Exeter within & for said County of Rockingham on the first Tuesday of November last seventeen hundred & ninety, recovered Judgment against John Hurd of Boston in the County of Suffolk and Commonwealth of Massachusetts Esquire for the sum of four hundred and sixty six pounds thirteen shillings and four pence debt or damage and two pounds and eight pence cost of suit—

That a writ of Execution hath since issued upon the aforesaid Judgment and been duly levied upon certain Land situate in Lyman aforesaid belonging to the said John Hurd—That doubts have arisen whether said Fisher, not being a Citizen or Subject of any of the United States can legally take hold and convey the aforesaid lands—And praying that all such doubts may be removed and that the said Fisher may be enabled to take hold and convey the Land aforesaid in the same manner as tho' he was a Citizen and Subject of this State. And it appearing reasonable to grant the prayer of said Petition—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the said John Fisher be and he hereby is enabled to take hold and convey the lands mentioned in the preamble of this act in the same manner and as fully and effectually to all intents and purposes as tho' he had been a Citizen and Subject of this State at the time of recovering the aforesaid Judgment & levying the Execution aforesaid Any Law usage or custom to the contrary notwithstanding. Provided nevertheless that nothing in this act shall extend or be construed to extend to the enabling any grantee heir or alienee of the said Fisher (other than such as are Citizens or Subjects of some one of the United States) to take, hold or convey the aforesaid Land in any way or manner whatsoever—

[CHAPTER 6.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE THE SELECTMEN AND CONSTABLE OF THE TOWN OF ORANGE FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY TO ASSESS AND COLLECT THE STATE AND COUNTY TAXES ASSESSED AGAINST SAID TOWN FOR THE YEARS ONE THOUSAND SEVEN HUNDRED AND EIGHTY EIGHT AND ONE THOUSAND SEVEN HUNDRED AND EIGHTY NINE AND GRANTING THEM A TIME TO ASSESS AND COLLECT THE SAME—

[Passed January 21, 1789. Original Acts, vol. 12, p. 29; recorded Acts, vol. 6, p. 138.]

Whereas the Selectmen of Orange have petitioned the General Court setting forth that the State and County Taxes against said Town for the Years one thousand seven hundred and eighty eight and one thousand seven hundred and eighty nine are as yet Unassessed and Uncollected and praying for Authority to Assess and collect the same which appearing reasonable and no objection being made thereto therefore

Be it Enacted by the Senate and House of Representatives in General Court Convened That the Selectmen of the Town of Orange for the Year seventeen hundred ninety are hereby Authoris'd and empowered to Assess the State and County Taxes which are Assessed against said town for the years seventeen hundred eighty eight and seventeen hundred eighty nine and to grant warrants to the Constable of said town for the year seventeen hundred ninety for collecting the same in as full and ample a manner as if they had been chosen Selectmen for said town for the respective years aforesaid—And the Constable of the said town of Orange for the year seventeen hundred

ninety is hereby invested with all the powers and Authorities which by law he woud have been invested with had he been chosen Constable for said Town for the respective years of seventeen hundred eighty eight and seventeen hundred eighty nine for the purpose of Collecting the State and County Taxes against said Town for the Years Aforesaid Be it further Enacted that the term of one year from the passing of this Act be and hereby is granted Unto the Selectmen and Constable of the said Town of Orange for the Year seventeen hundred ninety for the purpose of Assessing and Collecting the State and County Taxes of the Years aforesaid and the State Treasurer and the Treasurer of the County of Grafton are to take Notice of this Act and stay their Extents for those Taxes for the Time aforesaid accordingly—

## [CHAPTER 7.]

*State of  
New Hampshire.* }

## AN ACT ESTABLISHING TO SAMUEL CAMFIELD HIS TITLE TO A CERTAIN PIECE OF LAND

[Passed January 22, 1791. Original Acts, vol. 12, p. 30; recorded Acts, vol. 6, p. 140.]

Whereas the said Samuel Camfield hath petitioned the General Court amongst other things setting forth that in January 1786 one Ruel Woodworth of Marlow in said State gave him a deed of a piece of land in said Marlow which contains about forty acres of land which was bounded as follows begining at a Stake and Stones thence South by land of one Gee about thirty rods to a Stake and Stones thence east about thirty rods to a Stake and Stones thence South about one hundred Rods to a high Rock over the brook by Capt. Rufus Huntley's Saw mill thence northerly to Nathan Huntley's land thence northwestwardly by said Huntley's land to a maple Tree marked it being a bound of Nathan Gee's land thence westwardly about one hundred and thirty Rods to the bound first mentioned—that said deed was not recorded and that said deed is consumed by fire—that the said Woodworth is dead—He therefore prayed that his title to said land might be confirmed to him in the same manner as if said deed had not been burnt and public Notice of said petition having been given and a public hearing had thereon and the facts stated in said petition and the facts before recited having been fully proved and no objection having been made and it appearing reasonable that the prayer of said petition should be granted therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the title of the said Samuel Cam-

field in and to the said described premises be and hereby is established and confirmed to him the said Samuel Camfield his Heirs and Assigns in as full and ample a manner as if said deed had not been burnt but had been executed with all the formalities of law & duly acknowledged on the thirty first of January A D 1786 & recorded at the time of passing of this Act and had therein for valuable Consideration conveyed all the Title of the said Woodworth in & to said land to said Camfield his Heirs and Assigns forever

Provided always that nothing in this Act contained shall be construed to give the said Camfield any remedy against the Heirs of the said Woodworth upon any Covenants supposed to be contained in such deed or to maintain any action against them in any manner founded on said deed—

## [CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECT MEN OF NEW LONDON IN THE COUNTY OF HILLSBOROUGH TO ASSESS, LEVY AND COLLECT A TAX ON ALL THE LANDS OF NON RESIDENT PROPRIETORS IN SAID TOWN OF THREE PENCE P<sup>R</sup> ACRE FOR THE PURPOSE OF REPAIRING THE PUBLICK ROADS IN SAID NEW LONDON—

[Passed January, 24, 1791. Original Acts, vol. 12, p. 31; recorded Acts, vol. 6 p. 141.]

Whereas the Select men of said New London have Petitioned the General Court setting forth, that the publick roads in said Town are very bad they therefore prayed that they may be enabled to raise a tax of three pence p<sup>r</sup> Acre on each Acre of land owned by Non Residents, and after a hearing, it Appearing Reasonable that the Prayer of said Petition should be Granted

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, That the Select men of said New London be and hereby are impowered to Assess a Tax of one penny p<sup>r</sup> Acre on all the lands of non Resident Proprietors in said Town for the term of three Years and to collect the same by a collector or Collectors by the said Select men to be appointed, and the same Money when collected shall be appropriated to the sole purpose of makeing and repairing the highways in said New London—

And in case of non payment of said Tax by any of the said non Resident Proprietors or owners of said lands the said Collectors shall advertize the lands of such delinquent Proprietors for sale in the New Hampshire Gazette three weeks successively

and if the Taxes and charges be not paid at the time mentioned in such advertizement for sale the said Collector may proceed to sell in the same way and manner as in the case of non payment of state Taxes and the said Collector shall execute a good deed of conveyance to the purchaser and the same time shall be allowed for redemption as in the case of lands sold for state Taxes as aforesaid. Provided always that the said non resident Proprietors shall have liberty of working out the Tax assessed on their lands, on said high ways in such place, as the said Select men shall direct at the rate of three shillings p<sup>r</sup> day for an able bodied man and the said Select men shall superintend the work, and the said Collector shall advertize in the New-Hampshire Gazette the said Non Resident Proprietors that their lands are taxed, and each ones proportion of said Tax Nine Month previous to advertising said lands for sale, and the said non resident Proprietors may do the labour at any time after the first day of may and before the the last day of October in each year provided the work be done before the said Advertizeing for sale—

And be it further enacted that the said Select men of said New London shall render a true account upon oath to the Court of General Sessions of the peace for said County of Hillsborough within four years from the passing of this Act how they have appropriated and expended the same on penalty of forfeiting one hundred pounds to be recovered in case of the said Select mens neglect to render an account as aforesaid, by any Person who will sue for the same in any Court proper to try the same one half to the use of the prosecutor and the other half to the use of the County

#### [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE SUPPLY CLAP ESQ<sup>R</sup> JOSEPH CHAMPNEY MERCHANT & JANE BOYD WIDOW ALL OF PORTSMOUTH IN THE COUNTY OF ROCKINGHAM EXECUTORS OF THE LAST WILL AND TESTAMENT OF GEORGE BOYD LATE OF SAID PORTSMOUTH ESQ<sup>R</sup> DECEASED, TO SELL AND CONVEY TO NATHANIEL HEALEY OF HAMPTON-FALLS IN SAID COUNTY TRADER, CERTAIN PARCELS OF LAND SET OFF TO SAID EXECUTORS BY EXECUTION ON A JUDGMENT RECOVERED BY SAID EXECUTORS AGAINST THE EXECUTORS OF MESHEC WEARE ESQ<sup>R</sup> DECEASED—

[Passed January 24, 1791. Original Acts, vol. 12, p. 32; recorded Acts, vol. 6, p. 143.]

Be it enacted by the Senate and House of Representatives in General Court convened—That Supply Clap, Joseph Champney

and Jane Boyd all of Portsmouth Executors of the last will and testament of George Boyd late of Portsmouth aforesaid Esq<sup>r</sup> deceased or any two of them—be and hereby are enabled to grant bargain sell and convey to Nathaniel Healey of Hampton Falls Trader his heirs and assigns in fee simple forever, certain tracts or parcels of Land situate in Hampton Falls in said County of Rockingham and in Andover in the County of Hillsborough—sett off to said Executors by appraisment on a levy to satisfy an Execution issued on a Judgment rendered at the last Superior Court of Judicature holden at Exeter in and for the County of Rockingham on the third tuesday of September last for the aforesaid Executors against Thomas Wibird Weare & Redford Weare as Executors of the last will and testament of Meschec Weare late of Hampton Falls aforesaid Esq<sup>r</sup> deceased, for the sum of two hundred and three pounds thirteen shillings and two pence and to sign seal and execute in their said capacity good and valid deeds of the aforesaid Lands to the said Nathaniel Healey his heirs and assigns forever—as fully as they might or could have done had the said George in his said will empowered them to sell and convey Lands, any Law usage or custom to the contrary notwithstanding.

#### [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN JOSEPH TILDEN OF LEBANON HIS HEIRS AND ASSIGNS—

[Passed January 24, 1791. Original Acts, vol. 12, p. 33; recorded Acts, vol. 6, p. 144.]

Whereas Joseph Tilden of Lebanon in the County of Grafton in said State hath petitioned the General Court setting forth, that for more than twenty six years last past he hath resided near the bank of Connecticut River in said Lebanon between the Northwesterly corner of said Lebanon and the lower bar of white river falls (so called) and that he and his Children have during said Term owned, and do now own the lands adjoining to said River, to within about forty rods of said lower bar, that during said term he has had frequent occasion to convey people across said River which of late years has greatly increased, and that he has at considerable expense furnished himself with boats for keeping said Ferry, Wherefore he prayed that the privilege of keeping a ferry Begining at the Northwest corner of said Lebanon and extending down said River to the lower bar of White River falls bounding on a Ferry granted to

William Dana, Might be granted to him his Heirs and assigns, which representation appearing just, and the prayer of his petition reasonable

Therefore

Be it Enacted by the Senate and House of Representatives in General Court convened that the Sole and exclusive right and privilege of keeping a ferry over Connecticut River in any place from the North line of Lebanon down said River to the North bound of a Ferry Granted to William Dana near the lower bar of White River falls, be and hereby is granted to and vested in the said Joseph Tilden his Heirs and Assigns he or they from time to time as the same shall happen giving bond with Sufficient Surety in the sum of fifty pounds to the Clerk of the Court of the General Sessions of the peace for the County of Grafton that the said Ferry shall be constantly kept and well attended

And Be it further Enacted that if any person or persons shall for hire or reward transport over said River within the Limits aforesaid any person Creature or thing such person or persons so Transporting shall forfeit and pay to the said Joseph Tilden his Heirs and Assigns the sum of forty shillings to be recovered by Action of debt before any Court within said County proper to try the same—

Provided Notwithstanding that Nothing in this Act shall be construed to prevent any future Legislature of this State from Granting to any other person or persons the priviledge of building and keeping a Toll bridge over said River in any place within the limits aforesaid.

## [CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE SELECTMEN OF WOLFBOROUGH TO ASSESS & COLLECT A TAX OF ONE PENNY  $\text{p}$  ACRE ANNUALLY FOR THE TERM OF TWO YEARS UPON ALL THE LANDS IN SAID TOWN TO BE APPROPRIATED FORTHE PURPOSE OF REPAIRING THE HIGHWAYS IN SAID TOWN

[Passed January 24, 1791. Original Acts, vol. 12, p. 34; recorded Acts, vol. 6, p. 146. See additional act of December 25, 1792.]

Whereas Sundry Inhabitants of said Wolfeborough have petitioned the General Court Setting forth that the public roads in said Town are very bad and that the Inhabitants of said Town are few in number, and without the Aid of the Non resident Proprietors of said town, unable to repair the same they therefore prayed that they might be enabled to tax all the lands in said Wolfborough one penny  $\text{p}$  acre annually for the Term of two years for the purpose of repairing said roads & public Notice having been given on said petition and a public

hearing had thereon And the prayer of said Petition appearing to be just and reasonable therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the Selectmen of said Wolfborough for the time being, be and here by are authorized and empowered to assess a tax of one penny  $\frac{7}{8}$  acre annually for the term of two years on all the lands in said Wolfeborough to be appropriated to the sole purpose of repairing the high ways in said Town.—

And the said Select men be and they hereby are authorized and empowered to appoint a Collector or Collectors for the purpose of collecting the tax so assessed which Collectors shall be under Oath for the faithful discharge of their duty And said Collectors shall have all the power and Authority which Collectors of town and State Taxes by law have And shall proceed in the same way and manner to collect that part of the tax to be assessed on the Inhabitants of Wolfborough by virtue of this Act as they do in collecting town & State Taxes by law and such Collectors shall proceed in collecting that part of said Tax which is assessed on the lands of Non Residents in the same way & manner as in Cases of Collecting State and County Taxes of Non Resident Proprietors as by law prescribed except what relates to the advertising by the Person appointed by the General Court at Exeter which may be omitted. And the Collector to whom such list may be committed to collect shall give Notice to the Non Resident Proprietors assessed in his list of such Assessments and of the sums on their lands respectively assessed in one of the New Hampshire Newspapers And the same Advertisement shall be continued three weeks And the said Non Resident Owners shall have liberty of working out the sums on their lands assessed at any time within five months from the first of May in any year next after such Advertisement as that last mentioned shall have been inserted in labour done on said highways And all labour done by Inhabitants or Non-resident Proprietors shall be estimated at three Shillings  $\frac{7}{8}$  day for an able bodied man And shall be done and performed under the direction and superintendence of the Select men— And if the assessments made on the lands of the Non Residents be not paid in money or labour within the Term aforesaid the Collector may proceed at the expiration of said Term to advertise for sale of the lands of delinquents which shall in all respects be conducted & managed in the same manner as the law directs relative to State & County Taxes of Non Residents and the same time for redemption shall be allowed and the same mode of redeeming pursued as in the Case of lands of Non Residents sold for State Taxes And the Collector shall & may execute a good and valid conveyance of all lands by him legally sold pursuant to this Act to the purchaser.



And be it further enacted that the said Selectmen shall render a just and true Account on Oath to the Court of General Sessions of the peace in said County of Strafford how they have appropriated and expended all monies by them collected by virtue of this Act within eighteen months after the expiration of the year for which they shall respectively serve as aforesaid on penalty of forfeiting one hundred pounds to any person who will sue for the same in any proper Court to try said Cause.—

[CHAPTER 12.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE A TRACT OF LAND LYING SOUTH OF  
PETERBOROUGH IN THE COUNTY OF HILLSBOROUGH

[Passed January, 24, 1791. Original Acts, vol. 12, p. 35; recorded Acts, vol. 6, p. 148.]

Be it enacted by the Senate & House of Representatives in General Court convened that there be and hereby a township is erected and incorporated by the name of Sharon to contain a Tract of land in said County of Hillsborough bounding northerly by Peterborough westerly by Jaffrey, Southerly by Rindge & New Ipswich & easterly by Temple and the Inhabitants of the said Tract of land contained within the bounds aforesaid are hereby erected into a body politic and corporate to have continuance and Succession forever and are hereby invested with all the powers & enfranchised with all the Rights Privileges & immunities which other Towns in this State hold and enjoy To hold to the said Inhabitants of said Tract of land & their Successors forever

And Jeremiah Smith Esq<sup>r</sup> is hereby authorized and empowered to call a meeting of said Inhabitants to chuse all necessary and customary Town Officers giving at least fifteen days Notice of the time place and design of such meeting and such Officers shall have all the powers which the like Officers in any other Town in this State by law have and enjoy And the meeting of the Inhabitants of said Town for the choice of all Town Officers shall be holden therein annually on the third monday of March forever—

## [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE ELISABETH M<sup>c</sup>CLARY TO HER LAW—

[Passed January 25, 1791. Original Acts, vol. 12, p. 36; recorded Acts, vol. 6, p. 149.]

Whereas Elisabeth M<sup>c</sup>Clary of Epsom in Said State Widow has Petitioned the General court Representing, that at the court of Common pleas holden at Exeter on the Second Tuesday of June 1789, Nathaniel Gilman of Newmarket Commenced an Action against her on an Account wherein were charged Sundry berrels of Rum which were never purchased by or delivered to her, but were in fact sold to one John Casey—That said Action was appealed and Submitted to Referee who reported that said Gilman should recover against her Twenty three pounds Eighteen Shillings damage & Cost—Wherefore She prayed for liberty to reenter said Action at the Superior Court—

The facts being proved & the prayer of Said Petition appearing Reasonable—

Therefore Be it Enacted by the Senate and house of Representatives in General Court conven'd that the Said Elisabeth M<sup>c</sup>Clary have liberty to reenter her Action at the Superior Court of Judicature Next to be holden at Portsmouth in & for the County of Rockingham on the fourth Tuesday of April next and the Justices of Said court are hereby directed to Sustain Said Action, and direct that the Same measures be pursued thereon as in Actions appealed to Said Superior court Notwithstanding the former Judgment, and that the Execution against, the said Elisabeth M<sup>c</sup>Clary be stay'd till the determination of Said court, and Should the Said Elisabeth M<sup>c</sup>Clary neglect to reenter her Action at the Said Superior court, then the former Judgment to remain good—

And be it further enacted that the said Elisabeth M<sup>c</sup>Clary shall cause the said Gilman to be Served with a Copy of this Act fourteen days prior to Said fourth Tuesday of April next, and that in case the Said Elisabeth M<sup>c</sup>Clary should not enter her Action as aforesaid the said Gilman shall have liberty to enter his complaint for legal costs at said court which complaint said court is hereby directed to sustain & Order costs in like manner as though it was a Complaint entered on an appeal from the Inferior court of Common pleas—

## [CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT PASSED MARCH THE EIGHTEENTH IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED & EIGHTY ENTITLED AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO CONFISCATE THE ESTATES OF SUNDRY PERSONS THEREIN NAMED PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED & SEVENTY EIGHT—

[Passed January 25, 1791. Original Acts, vol. 12, p. 37; recorded Acts, vol. 6, p. 150.]

Be it enacted by the Senate and house of Representatives in General court convened—That where any trustee of the Estate of any Absentee has deceased or become incapable by insanity absconding or Otherwise, of closing a Settlement of Such Estate under his care the Judge of Probate for the County where Such trustee was appointed, may appoint Some Other person, to complete the Settlement of Such Estate; who shall be under the Same Obligation to fidelity in Such trust, that the former trustee was; and shall have the Same Authority in all matters respecting Such estate, which the former trustee had; and like proceedings shall be had where any trustee may hereafter de cease, become insane or otherwise incapacitated to finish a Settlement of any estate under his care—

## [CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND TO ALTER AN ACT, INTITLED AN ACT TO SET OFF AND INCORPORATE A NUMBER OF INHABITANTS LIVING IN THE NORTHWEST PART OF AMHERST, INTO A PARISH, PASSED THE TWENTY FOURTH DAY OF JANUARY ANNO DOMINI ONE THOUSAND SEVEN HUNDRED AND EIGHTY NINE.

[Passed January 25, 1791. Original Acts, vol. 12, p. 38; recorded Acts, vol. 6, p. 151. See acts of June 30, 1781 and January 24, 1789.]

Whereas in and by said Act It is enacted that the lines and boundaries of said Parish shall be as follows to wit “begining at the northwest corner bounds of the Town of Amherst thence runing southerly on the west line of said Town of Amherst about four miles and an half to the south west corner of the lot of land Joseph Dunklee formerly liv’d on thence Easterly on the

line between Dea<sup>n</sup> Elisha Hutchinson and Richard Goulds land about two miles to the south east corner of a lot of land Amos Green now lives on thence runing northerly on a strait line about one mile and an half to the Crotch of the roads between Lieu<sup>t</sup> William Bradfords and Samuel Wilkins Esq<sup>rs</sup> thence more Easterly on a direct line about three quarters of a mile. to the southeast corner of Benjamin Pike Jun<sup>rs</sup> land from thence on a direct line to the East line of Henry Spauldings lot and so continuing its course about two miles and three quarters to New Boston line from thence runing westerly on the Town line between New Boston and Amherst to the bounds first mentioned."

And Whereas a Petition hath been preferd to this Court in behalf of the first Parish in said Amherst setting forth among other things that the said Act was Injurious to the first Parish in said Amherst Praying for redress in the Premises and after a full hearing of the same and the Prayer thereof appearing reasonable.

Be it therefore enacted by the Senate and House of Representatives in General Court conven'd that the lines courses and boundaries hereafter mentioned and discribed shall in future be the boundaries and lines of division between the first and second Parishes in said Amherst instead of the lines and boundaries mentioned in the above recited Act Begining at the south east corner of the Warner lot so called and the south west corner of the lot that John Cochran and Amos Flint now lives on thence runing northerly on the west line of said Cochran and Flint's lot to the North west corner thereof thence running Easterly to the south west corner of the lot that Nathan Fuller now lives on thence running to the north west corner of the same thence running Easterly to the southwest corner of a lot of land Enus Bradford now lives on thence running Northerly to the north west corner of the same thence running Easterly to the south west corner of the lot that Benjamin Pike now lives on thence running northerly to the north west corner of the same thence running Westerly to the south west corner of a lot of land lately owned by Samuel Chase thence running northerly to the north west corner of the same thence running Easterly to the south west corner of lot number ninety suppos'd to belong to Holt and Abbot thence running northerly to the northwest corner of said lot thence running Easterly to the southwest corner of lot number one hundred & four thence running northerly to the north west corner of the same thence running Easterly to the south east corner of Henry Spauldings land thence running northerly by said Spauldings land 'till it intersects the line between Amherst and new Boston so as to take in all said Spauldings land in the Town of Amherst belonging to the Farm he now lives on.—

## [CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER THE INHABITANTS OF WENDALL IN THE COUNTY OF CHESHIRE TO LEVY A TAX ON ALL THE LANDS (PUBLIC RIGHTS EXCEPTED) IN SAID TOWN FOR MAKING, BRIDGING AND REPAIRING THE HIGH-WAYS.—

[Passed January 27, 1791. Original Acts, vol. 12, p. 39; recorded Acts, vol. 6, p. 152.]

Whereas the Selectmen of Wendell aforesaid have petitioned the General Court, setting forth that some of their high-ways stand in great need of repairs, and others to be laid out for the benefit of public Travelling, and praying that all the lands in said Town, public Rights excepted, may be taxed one half penny per acre ꝑ annum for three years for the purpose of making, bridging & repairing said high-ways; and after a hearing thereon the prayer of said Petition appearing reasonable. There fore,

Be it enacted by the Senate and House of Representatives in General Court convened—That the Selectmen of said Town be and hereby are empowered to assess a Tax of one half penny ꝑ Acre annually on all the Lands in said Town, public rights excepted as aforesaid, for three years, and the said Selectmen of said Town shall appoint a collector annually to collect the same, to be laid out and appropriated for the sole purpose of making, repairing and bridging the public high-ways leading through said Town, more especially that high way leading through the said Town from New London to Croydon at the north end of great Sunapee pond, upon which road at least one third part of said Tax shall be expended under the direction of Mr Zebulon Getchell of said Wendell in the behalf of the non resident Proprietors, whose certificates for any Labor done shall be taken as so much payment by the Collector, said Getchell to account with the Selectmen for his doings thereon.—

That part of said Tax laid on the Residents lands shall be collected as Town Taxes are by Law to be collected, and the Taxes on that part, which is owned by non-residents, shall be collected the same way as State Taxes assessed on non-resident proprietors by Law are collected excepting what relates to the advertising by the person appointed by the State at Exeter, which may be omitted, and instead of such advertising, the Collector shall notify the non-resident Proprietors of the Taxes laid on their Lands, who shall have liberty to work out the said Taxes at the rate of three shillings ꝑ day for an able bodied man, at any time between the first day

of May and the last day of October, where the said Selectmen shall direct, excepting what relates to the high-way north of Sunapee pond aforesaid, and the said Collector previous to any sale of any delinquents land shall give six months notice in the New Hampshire Gazette, when and where the sale of their land shall be made—And where any lands are sold at public Auction by virtue of this Act, the Collector is hereby empowered to give a good and valid Deed of the same, and the same time shall be allowed for redemption, and the same mode be pursued in redeeming, as in the Case of Lands sold for non-payment of State-taxes, and the residents in said Town shall have the liberty of working out the sums on them assessed at the rate aforesaid, and shall have one month's notice for that purpose, and the said Selectmen shall alternately superintend the said work or appoint any suitable persons for that purpose, said Getchell to be one, for the highway aforesaid, and the said Selectmen shall render upon oath a just & true Account unto the Court of General Sessions of the peace for said County in one year after the publication of the last advertisement, how they have appropriated the same on Penalty of forfeiting one hundred pounds for neglect therein, to be recovered in any Court proper to try the same, the one half to the use of the prosecutor and the other half to the use of the County.

### [CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT TO REPEAL SUCH PARTS OF THE SEVERAL ACTS OF THIS STATE AS IMPOSE AN EXCISE ON SPIRITUOUS LIQUORS AND OTHER ARTICLES.—

[Passed January, 28, 1791. Original Acts, vol. 12, p. 40; recorded Acts, vol. 6, p. 154. The acts referred to are dated September 1, 1781, December 28, 1782, June 27, 1787 and September 28, 1787.]

Be it enacted by the Senate and house of Representatives in General Court convened, That such parts of the Act "entitled an Act for granting an Excise on several sorts of spirituous liquors for the use of this State, "An Act entitled an Act, in addition to an Act for granting an Excise on several sorts of spirituous liquors for the use of this State, and an "Act entitled an Act in addition to and explanation of an Act for granting an excise on several sorts of spirituous liquors for the use of this State; and an Act "entitled an Act to raise a revenue to this State by Excise, be and hereby are so far repealed as that all the Excise duties in and by said Acts imposed, shall cease and be discontinued from and after the thirty first day of December last, and no Excise duties shall be required or demanded by

virtue of said Acts from any Tavenor Retailer or other person whatever, on account of any kind of spirituous liquors that have been or shall be by them or any of them bought, sold or consumed from and after the said thirty first day of December last, or for owning or improving any imported Clock, or any Coach, Phaeton or other wheel carriage from and after the thirty first day of December aforesaid—

And be it further enacted that the Excise already become due between the first day of October last & the said thirty first day of December inclusive be hereafter collected in such way & manner as the General Court may direct. Provided nevertheless that every other article and clause in the aforementioned Acts, shall continue & remain in full force any law, usage or custom to the contrary notwithstanding.—

## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF ALEXANDRIA IN THE COUNTY OF GRAFTON TO LEVY A TAX ON ALL THE LANDS (PUBLIC LANDS EXCEPTED) IN SAID TOWN FOR THE PURPOSE OF MAKEING AND REPAIRING THE HIGHWAYS—

[Passed January 28, 1791. Original Acts, vol. 12, p. 41; recorded Acts, vol. 6, p. 155. Repeals one clause in the act of January 6, 1787, in regard to a highway from Dartmouth College to Boscawen.]

Whereas the select men of the Town of Alexandria aforesaid have petitioned the General Court setting forth that their public highways stand in great need of repairs, and praying that all the lands in said Town (public lots excepted) may be taxed one penny p<sup>r</sup> Acre for three years next ensuing for the purpose of makeing and repairing said highways and after a hearing, the prayer of said Petition appearing reasonable in part—Therefore—

Be it enacted by the Senate and House of Representatives in General Court Convened that the Select men or Assessors of said Town be and hereby are Impowered to Assess a tax of one penny p<sup>r</sup> Acre on all the lands, in said Town (except the public lots as aforesaid) annually for two Years, and the select men of the said Town of Allexandria shall appoint a Collector or Collectors in the said Town to collect the same to be laid out and appropriated for the sole purpose of makeing and repairing the highways in the said town, the Tax on that part of the lands in said Town which is owned by residents shall be collected in the same way as Town taxes are by law to be collected, and the Taxes on that part of the said Lands which is owned by Non

Resident Proprietors shall be Collected in the same way as State taxes assessed on Non-resident proprietors by law are collected, except what relates to the advertizing by the Person appointed by the State at Exeter, which may be omitted, and instead of such Advertizing, the said Collector or Collectors shall two years previous to his advertizing for sale Notify in the New Hampshire Gazette the non resident owners or proprietors of the Taxes laid on their lands and they shall have the liberty of working out their taxes on the high ways where the Select men shall direct at the rate of three shillings p<sup>r</sup> day, for an able bodied Man at any time between the first day of May and the last day of October within the said term of two years

And where any lands are sold at public Auction by vertue of this act, the Collector is hereby impowered to give a good and valid deed of the same, and the same time shall be allowed for redemption and the same mode be persued in redeeming, as in case of lands sold for non payment of state taxes, and the residents in said town shall have liberty of working out the sums on them assessed at the rate aforesaid and shall have one months notice for that purpose and the said Select men or some person by them appointed shall superintend the work, and the said Selectmen shall render a true account on Oath unto the Court of General Sessions of the Peace in said County within the term of three years from the publication of the first Advertizement, how they have appropriated the same on penalty of forfeiting one Hundred pounds for neglect herein, to be recovered in any Court proper to try the same, the one half to the use of the Prosecutor and the other half to the use of the County—

And be it further enacted that the last clause in an Act intituled an Act in Addition to an Act for opening and makeing a high way from Dartmouth College to Boscawen, passed January the sixth One thousand Seven hundred and Eighty seven, Impowering the Select men of the Several Towns through which said highway passes, to tax the Non resident lands for makeing and repairing said highways be and hereby is so far repealed as it respects the Town of Alexandria.



## [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE SELECTMEN OF ORANGE TO ASSESS A TAX OF ONE HALF PENNY UPON AN ACRE ANNUALLY FOR THE TERM OF THREE YEARS UPON ALL THE UNIMPROVED LANDS IN SAID TOWN FOR THE PURPOSE OF MAKING AND REPAIRING HIGHWAYS IN SAID TOWN.

[Passed January 29, 1791. Original Acts, vol. 12, p. 42; recorded Acts, vol. 6, p. 157.]

Whereas the select-men of the Town of Orange have preferred a Memorial to the General Court setting forth that they suffer great inconveniences for want of good and sufficient roads in said town and praying for an Act of the General Court to empower the Selectmen of said Town to assess a Tax of one half penny upon an Acre annually upon all unimproved lands in said Town for the term of three years for the purpose of making and repairing high-ways in said town which prayer appearing reasonable and no reasonable objection being made thereto—Therefore

Be it enacted by the Senate and house of Representatives in general Court convened—That the Selectmen of the Town of Orange for the time being are hereby authorized and empowered to assess a Tax of one half-penny upon an Acre annully for the Term of three years upon all the unimproved lands in said Town as well those owned by the Inhabitants, as also those owned by the non-residents and the said Selectmen are hereby authorized and empowered to appoint a Collector or Collectors for the purpose of collecting the Tax aforesaid who shall be under oath for the faithful discharges of their duty and shall have the same powers and authority as the Collectors of State Taxes by law have and enjoy and shall proceed in the same manner in collecting that part of said tax as shall be due from the Inhabitants of said town as the town taxes by Law are to be Collected and that part of said tax on the lands owned by non-residents shall be collected in the same manner as the law directs for collecting state taxes except the advertising by the person appointed by the State residing at Exeter which may be omitted, and the said Collector or Collectors on failure of the payment of the taxes due on the lands of non residents are hereby empowered to proceed to sell the same at public auction and to execute a good and valid Deed to the purchaser in the same manner as the Collector of State taxes are by Law entitled to do, and the said Collector or Collectors shall nine Months previous to the advertising the said Lands for sale in each year respectively

advertise the same in the New Hampshire Gazette notifying them that their lands are taxed and that unless said Tax is paid within said time that then they will be advertised for sale— Provided always that the non-resident owners of lands shall have the liberty of working out their tax at any time between the first day of May and the last day of October in each year respectively at the rate of three shillings p<sup>r</sup> day for an able bodied Man and the Selectmen of said Town for the time being shall superintend said work and shall render a true Account on oath to the Court of General Sessions of the peace in the County of Grafton of the manner in which they shall have laid out the money aforesaid within Eighteen months from the expiration of the year for which they shall respectively serve as aforesaid on penalty of forfeiting the sum of one hundred pounds to any person who shall sue for the same in any Court proper to try said Cause.

[CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT TO SET ASIDE THE LEVY OF AN EXECUTION HERETOFORE MADE UPON THE ESTATE OF THE LATE HONOURABLE JOHN WENTWORTH ESQ<sup>R</sup> DECEASED, IN THE HANDS OF THOMAS MILLET WENTWORTH AND JAMES CARR ADMINISTRATORS *de bonis non* TO SAID ESTATE—

[Passed January 29, 1791. Original Acts, vol. 12, p. 43; recorded Acts, vol. 6, p. 159.]

Whereas Thomas Millet Wentworth & James Carr Administrators *de bonis non* to the Estate of the late Hon<sup>ble</sup> John Wentworth Esq<sup>r</sup> of Somersworth deceased Moses Wingate for him self & Joanna Wentworth Tilley Wentworth & Samuel Wentworth Minors, together with William Pitt Moulton, have Petitioned this Court setting forth That some years since James Adams Webb Adams & Ambrose Cole recover'd Judgment against said Estate for the sum of three Hundred & sixty three Pounds or thereabouts—and on the fifth day of May last, caused the one half of Said Execution upon s<sup>d</sup> Judgment, to be levied upon fifty seven acres & one hundred & fifteen square Rods of land being part of the Brock Farm so Called in Somersworth aforesaid part of said Deceaseds Estate—and suggesting great partiality and illegality in the Appraisal thereof—Therefore they prayed for those & other causes in the petition set forth, that the levy aforesaid might be set aside & declared void—and that said Estate might be appraised by three impartial Freeholders (if the Creditors should see fit) upon said Execution's

being delivered the High Sheriff of the County or some suitable person by him to be Appointed The principal facts in said Petition after a hearing appearing Supported, & the prayer thereof reasonable—

Be it therefore Enacted by the Senate & House of Representatives in General Court Convened That the levy of the Execution aforesaid and Appraisal, so far as respects the said fifty seven Acres & one hundred & fifteen square rods of land aforesaid & all transactions done in Consequence thereof be, and they hereby are declared Null void & of none effect, and that the Creditor or Creditors be impowered to renew his or their Execution for the sum so levied, and to re-levy the same on the same land, or so much thereof as may by a fair legal & impartial appraisment be sufficient to satisfy said sum so levied with legal Costs, on a levy to be served by the sheriff of the County of Strafford or by some Deputy by him specially Appointed, & the Creditor be placed in as Advantageous circumstances respecting said part so levied, as he was by law previous to the former Service. Any Law, Usage or Custom to the Contrary Notwithstanding—

# [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE JUDGE OF PROBATE FOR THE COUNTY OF HILLSBOROUGH TO LICENSE REBECCA BARRETT TO REPRESENT THE ESTATE OF HER LATE HUSBAND JAMES BARRETT DECEASED, INSOLVENT—

[Passed January 31, 1791. Original Acts, vol. 12, p. 44; recorded Acts, vol. 6, p. 160.]

Whereas Rebecca Barrett of Nottingham-West in the County of Hillsborough hath petitioned the General Court setting forth that she was Executrix to the will of her late husband James Barrett deces'd in the year one thousand seven hundred & eighty two and proved said will and gave Bond to the Judge of Probate for said County to pay the debts and legacies but that demands more than equal to the value of the Estate of the deceased have been exhibited, She therefore prayed that the Judge of Probate might be authorized to grant her license to represent said Estate insolvent, and that such proceedings may be had thereon as in other cases of the settlement of Insolvent Estates—And it appearing reasonable that the prayer of said Petition shou'd be granted—therefore—

Be it enacted by the Senate and house of Representatives in General Court convened That the Judge of Probate for said

County of Hillsborough be and hereby is authorized and empowered to issue a Commission of Insolvency on said Estate, and to proceed to the settlement of said Estate in the same way and manner as Insolvent Estates by law are settled and the said Judge of Probate may and shall take bonds of the said Rebecca Barrett to administer said Estate according to Law.—

And in Case said Estate shall prove to be Insolvent the bonds already given by the said Rebecca shall be void.—

[CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE SAMUEL RANDAL TO HIS LAW—

[Passed February 1, 1791. Original Acts, vol. 12, p. 45; recorded Acts, vol. 6, p. 161.]

Whereas Samuel Randal of Somersworth in the County of Strafford—hath petitioned this Court, setting forth that at the Inferior Court of Common pleas holden at Dover for said County of Strafford on the third Tuesday of November 1789 he recovered Judgment against Nathan Roberts of the same Somersworth, for the sum of ten pounds four shillings & four pence damage & one pound six shillings & one penny costs—from which Judgment the said Roberts appealed to the next Superior Court, but failed to enter & prosecute his appeal, and the Petitioner failed of entering a Complaint to obtain affirmation of the former Judgment—Wherefore he prayed that he might have liberty to enter said Action at the next Superior Court—the facts being proved—& the prayer of said petition in some part reasonable—

Be it therefore Enacted by the Senate and House of Representatives in General Court convened that the said Randal be empowered to enter his said Action at the next Superior Court of Judicature to be holden at Dover within & for said County of Strafford on the third Tuesday of April next leaving the same open for a trial by Jury—and giving the said Roberts fourteen days notice of the passing of this Act, previous to the setting of said Court—And the Judges of said Court are hereby empowered to hear & determine said Cause correct any errors there may be (if not tried by Jury) & give Judgment thereon in as full and ample a manner, as they might have done had the Action been entered at the term to which the same was appealed. Any Law, Usage, or Custom to the contrary notwithstanding—

## [CHAPTER 23.]

*State of  
New Hampshire.* }

AN ACT PROVIDING REMEDY WHEN EXECUTIONS ARE LEVIED  
UPON ESTATE NOT THE PROPERTY OF THE DEBTOR—

[Passed February 1, 1791. Original Acts, vol. 12, p. 46; recorded Acts, vol. 6, p. 162. Repealed June 18, 1805.]

Be it enacted by the Senate and House of Representatives in general Court convened, That whenever it appears that an execution hath been levied upon any Estate which proves not to have been, at the time of such levy the property of the person against whom said execution issued, the creditor may sue out from the court from which said execution Issued a Scire facias upon said Judgment against said debtor and in such case shall recover Judgment against said debtor for such damages and costs as in justice and equity appear; to be due to him—to be assessed by a jury upon a proper plea being made or to be adjudged by the Court upon default, *nil dicet*, or demurrer, adjudged against said defendant; and in case Judgment be rendered for the defendant he shall recover double costs.—

Provided nevertheless such Scire facias shall Issue within three Years from the time of discovering such mistake and not afterwards—

## [CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT TO EMPOWER SAMUEL THING TO SELL A PARCEL OF  
LAND SITUATE IN EXETER—THE PROPERTY OF HIS WIFE,  
BY DESCENT FROM HER FATHER JOSHUA WILSON.—

[Passed February 4, 1791. Original Acts, vol. 12, p. 47; recorded Acts, vol. 6, p. 163.]

Whereas Samuel Thing of Lime hath petitioned the General Court, Setting forth his Necessity—arising from his Wife's loss of her reason and his consequent obligation to Sell a certain parcel of Land, Situate in Exeter—Now his Said Wife's Property by descent from her Father Joshua Wilson, late of Exeter:—Which prayer appearing reasonable—Therefore, be it enacted by the Senate & House of Representatives in general Court Convened;—That the Said Samuel Thing, be, & he hereby is empowered to Sell & Convey, by deed of Warranty, all the Land which is now the Property of his Wife Anna Thing—Situate in Exeter, in the County of Rockingham & State aforesaid—

lately become her Property by descent from her Father Joshua Wilson.—And the Said Samuel Things Deed thereof, to be as valid as tho' his Wife did conjunctly act with him in the Same.—

[CHAPTER 25.]

*State of  
New Hampshire.* }

AN ACT TO MAKE GOOD A TITLE OF CERTAIN LANDS LYING IN HANCOCK TO THOMAS COCHRAN JUN<sup>R</sup> AND OTHERS. THE ORIGINAL DEED OF WHICH IS LOST—

[Passed February 4, 1791. Original Acts, vol. 12, p. 48; recorded Acts, vol. 6, p. 164.]

Whereas Thomas Cochran Jun<sup>r</sup> of Newboston County of Hillsboro, & State of Newhampshire & Others Heirs to the Estate of James Cochran late of Newboston aforesaid Esquire deceas'd have petitioned the General-Court. setting forth that the Said James in his Life time was possessed of five Several Tracts of Land lying in Hancock in the County of Hillsboro, in Said State & had a good & valid Deed of Quitclaim thereof (bearing date February the eleventh One thousand Seven hundred & seventy two.) to wit, of Number eight & nine in the first Range. Number nine & ten in the Second Range & N<sup>o</sup> ten in the third Range, being part of the Right or share Number three in the then Society-Land (now Hancock) Originally laid out to Joseph Blanchard Esq<sup>r</sup> & others, & that the said James in his Life time never conveyed Said Lands or any of them but that the said property by Law descended to the Said petitioners being his lawful Heirs, And that said Deed has never been recorded but is lost; & cannot be found.

Wherefore they pray'd this Court, to Establish the Title of the Said James in as full & ample a Manner as though said Deed had never been Lost—And after a full hearing upon the aforesaid petition the prayer thereof appearing reasonable—

Therefore Be it enacted by the Senate & house of Representatives in General-Court convened that the aforesaid five Several Tracts of Land, be & hereby are confirmed to Thomas Cochran Jun<sup>r</sup> & others the lawful Heirs of the aforesaid James Cochran Esq<sup>r</sup> deceas'd in as full and Ample a Manner as though they the Said petitioners were now in possession of the aforesaid Deed.

## [CHAPTER 26.]

*State of  
New Hampshire.* }

AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MEETING  
IN THE TOWN OF HAMPSTEAD

[Passed February 4, 1791. Original Acts, vol. 12, p. 49; recorded Acts, vol. 6, p. 165.]

Whereas the Inhabitants of the Town of Hampstead in the County of Rockingham have petitioned the General Court setting forth that they are subjected to Sundry Inconveniences on Account of their being Obligated by Charter to hold their Annual meeting on the last Wednesday in March. And praying that the time for holding said Annual Meeting might be altered from the said last Wednesday to the Second Wednesday in said Month annually in future—which prayer appearing reasonable—

Therefore

Be it Enacted by the Senate and House of Representatives in General Court convened that the Annual meeting of the Inhabitants of the Town of Hampstead heretofore established by law to be holden on the last Wednesday of March shall forever hereafter be annually holden on the Second Wednesday of said March any Law usage or custom to the contrary notwithstanding—

## [CHAPTER 27.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JOHN YOUNG TO REENTER AN ACTION, AND  
HAVE A NEW TRIAL THEREON AT THE SUPERIOR COURT.—

[Passed February 4, 1791. Original Acts, vol. 12, p. 50; recorded Acts, vol. 6, p. 165.]

Whereas John Young of a place called Concord in the County of Grafton in said State Esq<sup>r</sup> has petitioned the General Court representing, that David Emerson of New-Chester brought an action against him by the name of John Young of a place called Gunthwaite in said County Gentleman, at Haverhill August term one thousand seven hundred and eighty four,—and that at September term one thousand Seven hundred and eighty five Judgment was rendered against him for two pounds and two shillings damage and cost of suit taxed at seven pounds sixteen shillings and six pence, that he appealed to the Superior Court, at which Court the Judgment was so far reversed that

the said David recovered but eight shillings damage and costs taxed at ten pounds nineteen shillings,—that the witnesses of the payment of the said Davids demand against him before the bringing said action, were, for and durence all the time aforesaid gone to some place to him unknown,—that on the return of one of said witnesses he reviewed said action, and being advised by his Council that the Evidence was sufficient suffered the cause to go to trial without further evidence,—notwithstanding all which the former Judgment of said Superior Court was confirmed, and a farther bill of cost taxed against him of six pounds and three shillings,—and has suggested that he has in fact had but one trial, although upon the principles of law he is intitled, at least to two.—

Wherefore he prayed the General Court to Grant him another trial of said cause,—and after a hearing on said Petition, the principle part of the facts being prooved, and the prayer thereof appearing reasonable,—Therefore,—

Be it enacted by the Senate and House of Representatives in General Court conven'd, that the said John Young be, and he hereby is empower'd, and enabled, to reenter said action at the Superior Court of Judicature next to be holden at Plymouth in and for said County on the fourth tuesday of May next, and the Justices of said Court are hereby impowered and directed to sustain said action, and hear, try, Give Judgment, and Issue execution thereon in the same way, and manner as on actions of Review,—saving only, that said Justices are hereby impower'd to allow either party, as the case may require, so much, and no more damages and costs, as to them may appear reasonable—any Law, usage, or custom to the contrary notwithstanding,—provided also, and be it enacted—that the said John shall cause the said David to be served with a Copy of this Act twenty days before the said fourth tuesday of May, which service shall be sufficient notice for said Emerson to appear and make answer to said action,—and if the action is not enter'd cost shall be taxed against said John,—

And be it further enacted by the authority aforesaid, that in case the said John shall recover Judgment against the said David on a trial by virtue of this act, he the said David may review and have another trial on said action—within the term of three Years from the time of rendering Judgment as aforesaid.



## [CHAPTER 28.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE EXECUTOR OF SAMUEL MARSH'S  
WILL TO SELL CERTAIN REAL ESTATE

[Passed February 4, 1791. Original Acts, vol. 12, p. 51; recorded Acts, vol. 6, p. 167.]

Whereas John Nesmith surviving Executor of the last Will & Testament of Samuel Marsh late of Londonderry in said State deceased hath petitioned the General Court Setting forth that the said Samuel Marsh died seised of a small real Estate out of which he ordered the debts & funeral Charges to be paid—that the demands against said Estate amount to a considerable sum and that selling a part of said real estate would be very injurious to the heirs or legatees who are Minors—he therefore prayed that he might have leave to sell the whole of said real Estate And it appearing reasonable that such leave should be granted

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said John Nesmith be and he hereby is empowered to sell the said real Estate either at public auction or private Sale as he may think will be most for the advantage of those interested in said Estate And to make and execute a good & valid conveyance of the same to the purchaser or purchasers

Provided always that before any such sale be made the said John Nesmith shall give Bond with good Sureties to the Judge of Probate for said County of Rockingham for the faithful performance of the Trust reposed in him by this Act And to account for the proceeds of said Sale with the said Judge of Probate to be appropriated for the payment of the just debts of the deceased & funeral Charges and the residue to be put out at Interest for the benefit of the persons to whom by the said Samuel's Will the same real Estate was devised.—

## [CHAPTER 29.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF ALSTEAD IN THE COUNTY OF CHESHIRE, TO ASSESS, LEVY AND COLLECT A TAX ON ALL THE LANDS OF NONRESIDENT PROPRIETORS IN SAID TOWN, OF TWO PENCE  $\frac{2}{3}$  ACRE FOR THE PURPOSE OF REPAIRING THE PUBLIC ROADS IN SAID ALSTEAD.

[Passed February 4, 1791. Original Acts, vol. 12, p. 52; recorded Acts, vol. 6, p. 168.]

Whereas the Selectmen of said Alstead, have petitioned the General Court, setting forth, that the public Roads in said Town are very bad—They therefore prayed, that they may be enabled to raise a tax of two pence  $\frac{2}{3}$  Acre on each Acre of land owned by non-residents, and after a hearing, it appearing reasonable that the prayer of said petition should be granted:

Be it Therefore enacted, by the Senate and House of Representatives in General Court convened, that the Selectmen of said Alstead, be and hereby are impowered to assess a tax of one penny  $\frac{1}{3}$  Acre on all the lands of non-resident proprietors in said Town for the term of two years, and to collect the same by a Collector or Collectors by the said Selectmen to be appointed, and the same money when collected shall be appropriated to the sole purpose of making and repairing the highways in said Alstead. And in case of non-payment of said tax by any of the said nonresident proprietors or owners of said lands, the said Collectors shall advertize the lands of such delinquent proprietors for sale, six Weeks prior to the day of sale, in the New Hampshire Gazettee three weeks successively, and if the taxes & charges be not paid at the time mentioned in such advertizement for sale, the said collector may proceed to sell in the same way and manner as in the case of non payment of State Taxes; And the said collector shall execute a good Deed of conveyance to the purchaser, and the same time shall be allowed for redemption as in the case of lands sold for State Taxes as aforesaid. Provided always that the said non resident proprietors shall have liberty of working out the tax assessed on their lands on said highways in such place as the said Selectmen shall direct at the rate of three shillings  $\frac{1}{3}$  day for an able bodied man—And the said Selectmen shall superintend the work, and the said collector shall advertize in the New Hampshire Gazette, the said non resident Proprietors that their lands are taxed, and each ones proportion of said tax nine months previous to advertizing said lands for sale, and the said nonresident proprietors may do the labour at any time after the first day of May and before the

last day of October in each year, provided the work be done before the said advertizing for sale.

And be it further enacted, that the said Selectmen of said Alstead, shall render a true account upon Oath to the Court of General Sessions of the Peace for said County of Cheshire within four years from the passing of this Act, how they have appropriated & expended the same, on penalty of forfeiting one hundred pounds to be recovered in case the said Selectmen neglect to render an account as aforesaid by any person who will sue for the same in any Court proper to try the same, one half to the use of the prosecutor and the other half to the use of the County.

[CHAPTER 30.]

*State of  
New Hampshire.* }

AN ACT CONFIRMING THE TITLE TO CERTAIN LANDS IN THE  
VENDEE OR VENDEES OF JOHN NEAL ESQUIRE.—

[Passed February 4, 1791. Original Acts, vol. 12, p. 53; recorded Acts, vol. 6, p. 170.]

Whereas Mary Neal and John Neal administrators of the Estate of John Neal Esquire late of Londonderry deceased intestate, have petitioned the general court setting forth that the said John Neal Esqr in his life time (to wit) on the twenty fourth day of May, one thousand seven hundred and eighty one purchased of Robert Smith agent & trustee of the estate of Stephen Holland, one third part of lot number ten, on the south side, and lot number eleven on the south side, containing thirty three and one third acres each lot; lying and being in the Society in the County of Hillsborough, being part of the Confiscated estate of Stephen Holland Esquire—That it appears that on the thirtieth day of January one thousand, seven hundred & seventy five, the said Holland executed a deed of the same land to one John Quigly of Francestown whose Estate hath also since been confiscated—That the said John Neal Esquire deceased neglected to record his deed, and that the deed of the said Holland to the said Quigly is put on record before the said Smith's deed to said Neal.—The said Mary & John therefore prayed that the title of said land might be confirmed to the persons holding under the said sale of Robert Smith in as full and ample a manner as if the said deed of said Holland to said Quigly had never been made & recorded—And it appearing reasonable that the prayer of said petition shou'd be granted—

Therefore

Be it enacted by the Senate and house of Representatives in general Court convened—That the title to said lands be con-

firmed to the persons holding the same under the said John Neal Esquire and that said title be as good and valid in law to all intents & purposes as if no such deed from the said Holland to the said Quigly had ever been made or recorded.—

[CHAPTER 31.]

*State of  
New Hampshire.* }

AN ACT IMPOWERING THE SELECTMEN OF SANDWICH IN THE COUNTY OF STRAFFORD IN SAID STATE TO TAX THE UNIMPROVED LANDS IN SAID SANDWICH OWNED BY NON-RESIDENTS OF SAID TOWN, ONE PENNY ON EACH ACRE FOR THE PURPOSE OF REPAIRING HIGH-WAYS IN SAID TOWN.—

[Passed February 4, 1791. Original Acts, vol. 12, p. 54; recorded Acts, vol. 6, p. 171.]

Whereas the inhabitants of Sandwich aforesaid have petitioned the General Court setting forth that there is a highway in said Town leading to Campton which runs four miles on lands of non-residents on which there is no Inhabitant, and another high way leading to New Holderness on which there is no Inhabitant for three miles and the lands adjacent belonging to non residents, and that said Roads are much out of repair, praying the Selectmen of said Sandwich may be empowered to lay a Tax of one penny on each Acre of unimproved lands in said Town owned by non residents of said Sandwich excepting public lands, which prayer appearing reasonable, and the owners of said non-residents lands signifying to the Court that they have no objection to said Tax.—

Therefore—Be it enacted by the Senate and house of Representatives in General Court convened, that the Selectmen of Sandwich aforesaid be and hereby are empowered & authorized to lay & assess a Tax of one penny on each Acre of unimproved Land in said Town owned by non residents of said Sandwich, public lands excepted, for the sole purpose of repairing the aforesaid highways and to agree with a Collector to collect the same & the owners of said non-resident lands shall have the liberty of working out their taxes assessed as aforesaid on their lands respectively upon the aforesaid roads under the direction & inspection of said Selectmen or some other person or persons whom they may appoint at three shillings pr day for an able bodied man, ten hours honest labor pr day—Provided said work be done between the first of June next and the last of October following—And the said Collector shall publish in the New Hampshire Gazette three weeks successively before the first day of June next the aforesaid Tax setting forth how the same

may be paid; and if not paid by the said last day of October their lands will be advertised for sale—and the said Selectmen shall leave with the person appointed at Exeter to receive State taxes, a Copy of said tax or assessment attested by said Selectmen—And if said Taxes or any part of them shall remain unpaid until the first day of November next, then said Collector shall proceed to advertise and sell so much of such delinquents lands as will pay said Taxes and Incidental charges in the same manner and form as the Collectors of State Taxes on lands of Non-residents are by law authorized and directed to do, and make and execute deeds of conveyance to the purchaser in the same manner and form as Collectors of State Taxes are directed to do by Law, and the owners of said Lands so conveyed, shall have the same liberty, time and mode of redeeming said Lands, as those by law have whose lands are sold by Collectors of State taxes as aforesaid—

And be it further enacted That the said Selectmen of Sandwich shall within two years from the passing of this Act render an Account of the expenditure of the monies arising as aforesaid to the Court of General Sessions of the peace in and for said County on pain of incurring and forfeiting the sum of one hundred pounds to be recovered in any Court proper to try the same the one half to the person or persons who shall sue for the same and the other half to the use of the said County of Strafford.—

### [CHAPTER 32.]

*State of  
New Hampshire.* }

AN ACT TO AUTHENTICATE AND MAKE VALID TWO CERTAIN DEEDS, EXECUTED BY ZACHARIAH FOSS OF PORTSMOUTH IN THE STATE AFORESAID GENTLEMAN, TO JOHN PHILLIPS OF NEWPORT IN THE STATE OF RHODE ISLAND ESQUIRE, AND BY THE SAID PHILLIPS TO JOHN WENDELL OF S<sup>D</sup> PORTSM<sup>O</sup> ESQ<sup>R</sup>.

[Passed February 4, 1791. Original Acts, vol. 12, p. 55; recorded Acts, vol. 6, p. 173.]

Whereas it appears to this Court, That said Phillips, as Attorney to the legal Representative of Kilby, Bernard & Parker, late Merch<sup>ts</sup> and Copartners in Trade in the City of London: did, on the fourteenth of April One thousand seven hundred and Ninety, release and discharge said Zachariah Foss by Composition, from a large Debt due from him, to said Company, and in Consideration thereof, He the said Foss, on the same Day, conveyed to said Phillips by Deed, a certain House and Land in said Portsmouth, to Him and his Assigns in Fee, reserving the Possession thereof, during his natural Life, and the said Phillips

on the thirty-first of July last, by Deed conveyed the Premises to John Wendell of said Portsmouth Esq<sup>r</sup> and his Heirs and Assigns, reserving the said Foss's Possession, as by Leases duly executed for that Purpose; And Whereas at the Time of Executing said Deed by said Foss, He the said Phillips was a Brittish Subject, and Doubts have arisen wether Said Phillips was qualified to recieve or hold Title to any Lands within this State, but it appearing to this Court, that he recieved said House and Land in Composition and Discharge of the Debt aforesaid, and re-conveyed the same to said John Wendell without ever taking any formal Possession thereof, and to the End that Justice may be done—

Be it enacted by the Senate and House of Representatives in General Court convened, That said Deed executed on the 14<sup>th</sup> of April 1790 by the s<sup>d</sup> Zachariah Foss, conveying to the said John Phillips a certain House and Land in said Portsmouth, as is expressed therein, also Another Deed of the same Premises, executed by said Phillips to John Wendell Aforesaid on the 31<sup>st</sup> of July 1790, be and are hereby declared authentic and valid to all intents and Purposes as though said Phillips had not been a Brittish Subject at the Times of their Execution, Any Law of this State to the contrary notwithstanding—saving and reserving to the said Foss his Possession of the Premises during his natural Life, agreeable to the Leases executed by the Parties for that Purpose—

### [CHAPTER 33.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE JONATHAN BLAKE TO REVIEW AN ACTION, IN THE COUNTY OF GRAFTON—WHICH WAS COMMENCED BY HIM IN THE COUNTY OF ROCKINGHAM, AGAINST JOSIAH BURNHAM.—

[Passed February 7, 1791. Original Acts, vol. 12, p. 56; recorded Acts, vol. 6, p. 174.]

Whereas Jonathan Blake formerly of Atkinson, hath petitioned the General Court;—Setting forth, that he commenced an Action against Josiah Burnham of Coventry, in the County of Grafton upon a Note of hand, which Action was brought at the inferior Court of Common Pleas, at Exeter, in Said County of Rockingham—July Term Anno Domini, one thousand Seven hundred & eighty two;—and continued 'til February Term, Anno Domini, one thousand Seven hundred & eighty three;—when Judgment was rendered, that Said Blake, should recover of Said Burnham, the Sum of eleven pounds & fourteen Shillings damage, and Costs of Suit.—From which Judgment, the said Burnham appealed to the Superior Court to be holden at

Exeter, in Said County of Rockingham,—on the first Tuesday of September then next, ensuing.—

And on a Trial of Said Cause, at said Court—September Term, Anno Domini—one thousand Seven hundred & eighty four, by virtue of a certain Receipt, fraudulently obtained from Said Blake—the Said Burnham, recovered Judgment against the Said Blake, for Nineteen pounds, Sixteen Shillings & Six pence, Costs of Suit—And Execution issued thereon:—and he the said Blake was committed to Goal, thereupon in the County of Grafton;—and allowed the Liberty of the Yard, by Giving bonds,—with two Sureties—namely, Benjamin Knight & Moses Knight to David Webster Esq:—Sheriff of Said County in Common Form—The Condition of which Bond, was broken by said Blake:—And an Action was thereupon brought by Said Sheriff, against Said Blake & his Said Bondsmen—and Judgment was rendered against them;—by reason whereof, they were obliged to pay Said Webster & the Coroner who served the Execution, thirty five pounds and four pence in neat Cattle—as by the Receipts upon Said Executions, appears—And that Said Property remained in the hands of Said Webster.

Wherefore, the said Blake among other things, prayed, that he might be restored to his Law, in said Action—The Time for reviewing the same, being elapsed:—and the property taken by Said Webster, from said Blake & Sureties, for Satisfying the Execution by him recovered against them, be detained in the hands of Said Webster—Sheriff, as aforesaid, 'til a final trial & decision, be had upon the first mentioned Action.—

And upon a full hearing—The facts being proved, & the Prayer of said Blake appearing reasonable—Therefore,—Be it enacted by the Senate and House of Representatives, in General Court, convened,—that the Said Blake be, & he is hereby authorised & empowered to review Said Action, at the Superior Court of Judicature, to be holden at Plymouth in Said County of Grafton, on the fourth Tuesday of May Next.—And the Justices of Said Court are hereby authorised & directed to Sustain, hear & try Said Action of Review, and give Judgment & award Execution thereon—in the Same Way & manner, as tho' the said Action had been originally Commenced in Said County of Grafton—and reviewed, within the time, by Law allowed for reviewing Actions.—And the said Blake Shall cause his Writ of Review, to be Served, on Said Burnham, as Writs of Review by Law in other Cases, are directed to be Served;—And Shall also cause the Said Burnham to be Served with a Copy of this Act, twenty Days before the Sitting of Said Court—And shall also Cause that the Said Webster,—Sheriff as aforesaid be Served with a Copy of this Act, by the first Day of march next.—

And be it enacted that the Property, turned out & taken in discharge of the last mentioned Execution, shall be detained &

holden, in the hands of the said Webster, untill a final trial & decision be had upon Said Action of Review—provided Said Blake, Shall prosecute Said Action of Review, at Said Superior Court.—Any Law, usage, or Custom, to the Contrary, Notwithstanding.—

[CHAPTER 34.]

*State of  
New Hampshire.* }

AN ACT TO RESTORE WILLIAM BURROWS JUN<sup>r</sup> TO HIS LAW—

[Passed February 7, 1791. Original Acts, vol. 12, p. 57; recorded Acts, vol. 6, p. 176.]

Whereas William Burrows Jun<sup>r</sup> of New Ipswich in the County of Hillsborough husbandman hath petition'd the General court setting forth that James Butterfield Jun<sup>r</sup> of Westmoreland in the County of Cheshire husbandman prosecuted the Said William upon the Statute of this State for Selling Spirituous liquors with Out license and that the Said William at the Inferior court of Common pleas holden at Charlestown within and for Said County of Cheshire, where the Said Action was entered was through the absence of the attorney employed to defend the Suit, defaulted and Judgment was Thereupon rendered for the whole Sum in the declaration being Six pounds damage & four pounds Two Shillings and eight pence costs of Suit and Execution hath Issued Thereon, That no evidence was produced to prove the declaration and that no Sufficient evidence could have been produced and that the Said Butterfield not being a Farmer of Excise could not maintain by law his Said Action against the Said William Burrows Jun<sup>r</sup>. Therefore prayed that he might have leave at the next Inferior court of Common pleas to be holden in Said County of Cheshire to reenter Said Action and defend the Same in the Same Manner as if no such default had been made, and that the Said Execution may be Stayed untill final Judgment Thereon—And it appearing reasonable after a public hearing On Said Petition that the prayer thereof Should be granted

Therefore

Be it enacted by the Senate and house of Representatives in General court convened That the Judgment rendered on Said Action of James Butterfield Jun<sup>r</sup> against William Burrows Jun<sup>r</sup> and the Execution Thereon be & they hereby are declared null and Void And the Said William Burrows Jun<sup>r</sup> be & hereby is impowered to reenter Said Action at the next Inferior court of Common Pleas to be holden in Said County of Cheshire, and the Justices of Said court be & hereby are impowered to Sustain



Said Action and the Same may be prosecuted in all respects to final Judgment, Execution, and Satisfaction, as if no Such default had been made & recorded as aforesaid, and in the Same Manner as if Such Action were new commenced to said Next court

Provided always that the said William Shall produce at Said next court at the time of reentering Said Action attested copies of the Writ and of all the papers filed in the Same cause, and Shall also fifteen days before the Setting of Said next Inferior court of Common Pleas; Serve the Said James with an attested Copy of this Act or leave the Same at his last and Usual place of abode or Serve the Same on the attorney who appeared for the Said James at the court where Judgment was rendered or cause Such copy to be left at his last & usual place of abode by the like Number of days—And Provided also and be it further enacted that if the Said William Shall not at said Inferior court reenter Said Action and produce Said copies, the Said Judgment recovered against him by the Said James shall be and remain good and in full force any Thing in this Act to the Contrary Notwithstanding

#### [CHAPTER 35.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER JOHN CALFE EBENZ<sup>R</sup> WEBSTER AND NATHANAEL WEARE TO TAKE BACK AND RECTIFY A CERTAIN REPORT BY THEM MADE TO THE SUPERIOR COURT IN A CAUSE WHEREIN JOHN QUINBY SANBORN OF CANDIA WAS PLAINTIFF AND SAMUEL CORSER DEFENDANT

[Passed February 7, 1791. Original Acts, vol. 12, p. 58; recorded Acts, vol. 6, p. 177. See act of January 22, 1790].

Whereas Samuel Corser hath petitioned the General Court sitting forth that John Quinby Sanborn of Candia at the Inferior Court of Common pleas holden at Exeter in the year One thousand Seven hundred and eighty Six brought an Action against the Petitioner, which action upon a Review at the Superior Court was referred to John Calfe Ebenezer Webster and Nathanael Weare Esquires who reported in favour of the Petitioner by mistake only costs of the Action of Review when in fact they meant to report a reversal of the judgment of the former Superior Court with full cost to the Petitioner from the commencement of the Action—and praying that said Referees may be empowered to take back the papers and rectify the mistake and that the Judges of the Superior Court be empowered to enter up Judgment upon the report so rectified—The prayer of which Petition appearing Reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the said Referees he and they hereby are impowered to take back said papers and rectify the mistake if any be and make report to the next Superior Court to be holden at Portsmouth in the County of Rockingham on the fourth Tuesday of April next or at the next September term, And the Judges of said Court are hereby impowered to receive said report, enter up Judgment and issue Execution accordingly any Law usage or custom to the contrary notwithstanding—

[CHAPTER 36.]

*State of  
New Hampshire.* }

AN ACT ANNULING A JUDGMENT RECOVERED AT THE SUPERIOR COURT OF JUDICATURE HOLDEN IN THE COUNTY OF GRAFTON AT OCTOBER TERM ONE THOUSAND SEVEN HUNDRED & NINETY BY GEORGE EAGER AND JAMES MOORE AGAINST JAMES MURCH AND GRANTING A NEW TRIAL ON THE ACTION IN WHICH SAID JUDGMENT WAS RENDERED

[Passed February 7, 1791. Original Acts, vol. 12, p. 59; recorded Acts, vol. 6, p. 178.]

Whereas the said James Murch hath petitioned the General Court representing that the said Eager & Moore commenced an action of Trespass against him at the Inferiour Court of common pleas for said County of Grafton at March Term Anno Domini One thousand seven hundred & eighty nine—that he recovered Judgment for Costs against the plaintiffs at June term in the same year—that the plaintiffs appealed—And that the cause was committed to a Jury at the Superiour Court October Term last—that he was unconstitutionally deprived of his Counsel by means whereof his Witnesses and depositions were rejected and he greatly injured in the determination of the cause for want of a fair trial in the premises & Judgment rendered against him for six pounds damage & Costs amounting in the whole to about nineteen pounds and that execution hath issued therefor that neither of the plaintiffs have property to refund such damages as he the Petitioner might recover on a review of said Action—He therefore prayed that said Judgment might be annulled and that a new trial may be had in said Action in the same manner as tho' no such Judgment had been rendered And the material facts stated in said Petitioner having been fully proved and Justice requiring that the relief prayed for Should be granted therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the said Judgment rendered at

said Superiour Court & any execution that may have issued thereon be and they hereby are annulled & made void to all intents & purposes Provided the said Murch shall at any time within one year from the passing of this act enter in said Superiour Court Copies of all the papers in said Cause as the same was heard and tried at the Inferiour Court before mentioned

And be it further enacted that the Justices of the said Superiour Court be & they hereby are required & empowered to sustain said action and to proceed and render Judgment thereon (in Case the same is so entered by the said Murch) in the same manner as if such Cause had never been tried in said Superiour Court—Provided always that it shall be the duty of the said Murch within one month after the passing of this Act to cause the plaintiffs to be served with a Copy of this act or to cause such Copy to be left at the last and usual place of the abode of either of them if within this State—Otherwise the same shall be left with either of the Attornies who appeared for the said Plaintiffs at said Superiour Court and also notice shall be given prior to the sitting of the Court in which he shall enter said action of his the said Murch's intention to enter the same which Notice shall be in writing & served in manner as a Copy of this act is before directed to be served And the service of this Act and of said Notifications shall be proved by Affidavit or otherwise to the Satisfaction of said Superiour Court before any proceedings after the said Entry shall be had on said action at said Superiour Court any thing before expressed to the Contrary notwithstanding.—

### [CHAPTER 37.]

*State of  
New Hampshire.* }

#### AN ACT FOR LAYING OUT HIGH WAYS

[Passed February 8, 1791. Original Acts, vol. 12, p. 60; recorded Acts, vol. 6, p. 180. Laws, 1792 ed., p. 278. See act of February 27, 1786. *Bigelow v. Whitcomb*, 72 N.H., 479.]

Be it enacted by the Senate and House of Representatives in General Court convened that at any time hereafter when there shall be occasion for any new high ways or private roads to be laid out in any town or place in this State the Selectmen of such town or place be and hereby are empowered on application made to them if they see cause to lay out the same whether such highway or road be for the benefit of the town or public in General or for the benefit of the person or persons applying only—And if such road be for the benefit of the town or public due recompence shall be made by the town to the owners of the land through which such road is laid out for all damages such owners

sustain thereby and if such road be only for the benefit of an Individual or Individuals applying for the same then the recompence shall be made by such Individual or Individuals— And no road shall be returned and recorded for the benefit of Individuals only unless the damage done to the owners of the lands through which the same is laid out be ascertained and paid or tender thereof be made

And in Case there be occasion for any new high-way to be laid out from Town to Town through several Towns And such towns cannot agree as to the place of laying out the same or in Case there should be occasion to lay out a high way through a Tract of land unincorporated in any County in this State the Court of General Sessions of the peace for such County on petition to them for that purpose shall in such manner as they shall think proper lay out the same and a record thereof shall be made— And the Committee of the said Court who lay out any such high-way shall also estimate the damage done to any owner of land through which the same is laid out and such damage shall be paid by the Town in and through which such high way is laid out— Provided that the Selectmen of such towns shall be duly notified by the Sessions of any such petition for a highway before the same shall be laid out and when the way petitioned for or any part thereof shall run through lands unincorporated the substance of the petition and order of Court thereon shall be published in such Newspaper as the said Court shall order three weeks successively that the owner of such land through which the high way is petitioned to be laid out may object thereto

And be it further enacted that in Case the Selectmen of any town refuse or neglect when petitioned to lay out any high way the Court of General Sessions of the peace on petition exhibited to them may if they think it proper cause such highway to be laid out provided always that the Select men of such town shall be duly notified before any such highway be laid out

And any person who may think himself aggrieved by the Select men in not making sufficient allowance or in not paying for any high way laid out thro' his land may apply by petition for redress to the Court of General Sessions of the peace which Court may enquire into the same by a Committee and order such redress as they may on hearing the parties or such of them as may attend on due Notice given think proper And the said Court in all Cases of application to them may order either of the parties as they may think just to pay Costs and in all Cases may issue Execution for damages and Costs or Costs only as in other Cases

Provided always that the Cost of laying out highways from town to town or thro' lands not incorporated on original application made to the Sessions shall be paid by the County—

And be it further enacted that the Inhabitants of any town in this State at any legal meeting holden for that purpose may discontinue any high way laid out by order of any such town or the Select men thereof and where such way was laid out by the Court of General Sessions of the peace then with the Consent of such Court but not without and may sell the land taken up in such highway or exchange the same for some other land where a highway may more conveniently be laid out & occupied And they may also sell or exchange any land left or appropriated in such town for highways tho' not actually improved for that purpose in the same manner as they may sell or exchange the land of highways improved or occupied—

[CHAPTER 38.]

*State of  
New Hampshire.* }

AN ACT RELATIVE TO COMMON FIELDS AND REGULATING FENCES

[Passed February 8, 1791. Original Acts, vol. 12, p. 61; recorded Acts, vol. 6, p. 182. Laws, 1792 ed., p. 286. See act of September 28, 1743.]

Be it enacted by the Senate and House of Representatives in General Court convened that where several Owners of land shall improve their lands in one common field they may meet and agree on such mode of fencing and securing the same as to them may seem best—And any Justice of the peace on the application of any two or more of such owners or proprietors may call a meeting of such owners and proprietors and when met they or the major part of them may in any way they may think just and equitable set out and apportion or cause to be set out and apportioned each owners part of the fence to be built and maintained, and each owner shall make and maintain such part of the fence as may be allotted to him as long as he continues to improve his part in such common field and such owners at any legal meeting warned and holden for that purpose may raise such sums of money as they may judge necessary for defraying the charges of making a division of the fence as aforesaid or of fencing such part of such common field as they may think best to fence and maintain in common and they and the Officers by them chosen shall have all the powers incident to assessing levying and collecting any such sums of money—

And be it further enacted that when any damage is done in such common fields through insufficiency of the fence the person whose duty it was to make the fence which proves insufficient shall be liable to make good all such damage to the person injured by special action of the case—

And be it further enacted that each Proprietor of lands lying in one common field and the owners of any lands where there is

not a division fence between them shall once in five years on six days notice previously given run the lines and make and keep up the boundaries between them on penalty of forfeiting ten shillings for each neglect to be recovered by any person who will sue therefor

And be it further enacted that the inhabitants of every town, and place in this State at their annual meeting for the choice of town officers shall choose fence-viewers who shall be free holders and who shall be sworn to the faithful discharge of the duties of said Office—And it shall be the duty of all fence-viewers on request to view all fences in the same town or place for which they are chosen and to establish division fences between persons interested in making them, and to appraise damage done in certain cases and generally to do all the duties in this Act and by Law enjoined upon them—And every fence by them or the major part of them adjudged good and sufficient shall be considered as legal and sufficient to all intents and purposes—

And be it further enacted that the owners or occupants of lands under improvement and adjoining shall contribute equally in building and repairing the partition fence between them so long as they shall continue to improve—

And where no division of such partition fence hath been made and the persons whose duty it is to make and maintain such fence cannot agree on a division of the same the fence-viewers of the town where the lands lie and in case the lands be in different towns then the fence viewers of both such towns or places not interested or the major part of them or so many of them as the parties shall agree upon shall notify both parties and shall repair to the place where such fence is to be built or repaired and whether the said parties attend or not they having been duly notified to attend and no sufficient excuse being made for their non-attendance shall proceed to make division of such fence and shall set the same down in writing and charge half their fees to each party and shall deliver or leave with each party a Copy of such Writing signed by them with a minute of their fees charged to each party as aforesaid—And such division made in writing by agreement of the parties shall be binding upon such parties and the succeeding occupiers of such lands, and they shall forever after be obliged to maintain the part allotted and assigned as aforesaid unless a new agreement should afterwards otherwise establish a division—And in all cases where division shall be made as aforesaid or where division shall have been made by agreement of the parties, if either party shall neglect to build and make a sufficient fence on his part or shall neglect to keep the same in good repair from time to time, the party aggrieved thereby may apply to the fence viewers who shall repair to the place—And if they are of opinion that the fence if there be any is insufficient or if there be none that there hath been a division

either in manner aforesaid or by agreement of parties as aforesaid they shall notify in writing the delinquent party to build or repair his part of the fence within the term of six days or within such term which shall never be less than six days as they considering the season of the year and the labour to be done may think just and reasonable—And where division shall be made by fence-viewers they may do this at the time of their making such division—And if the party shall neglect to build or repair that part of the fence which belongs to him to build or repair within the time so ordered and allowed by the fence-viewers as aforesaid then the party aggrieved thereby and injured by such neglect his own part of the fence being in good repair and so adjudged by the fence-viewers may build or repair the part of him so neglecting—And the said fence viewers if they adjudge the part so built or repaired sufficient shall estimate and appraise the same and thereto add their own fees and shall express and set down such their appraisement and the amount of their fees in writing and shall sign the same and the person so building or repairing shall have a right to demand and receive double the said amount of the occupant lessor or freeholder of the land where the said fence was deficient at his election together with costs of suit, provided always that previous to the commencement of any such suit he shall demand the said double amount of the person against whom he shall make his election—

And be it further enacted that when one of the owners of lands adjoining shall have begun to improve before the other and shall have built a fence on the divisional line between them and afterwards the other shall improve and shall be advantaged thereby the Occupant lessor or freeholder of such land last begun to be improved shall pay for one half of the partition fence between them according to the value of it at the time he shall begin to improve such value to be ascertained, (in case they cannot agree amongst themselves,) by the fence viewers on application of either party the other being notified to attend at the time of making such appraisement which shall be set down and expressed in writing and be signed by the fence-viewers making the same and delivered by them to such of the said parties as will receive the same—And if such occupant lessor or proprietor as aforesaid shall after notice as aforesaid and demand made for the space of thirty days Neglect to pay for a moiety of such fence the proprietor of such fence or person who made the same shall and may recover double the sum so ascertained by special action on the case against such occupant lessor or freeholder notified and requested as aforesaid—

And be it further enacted that where one party shall cease to improve his land or shall lay his inclosure before under improvement in common he shall not have a right to take away his part of the fence but shall have a right to the value of his part

from the owner Occupant or lessor of the lands adjoining he continuing to improve, and if they cannot agree on the value of such fence at the time of his so ceasing to improve the same shall be determined and ascertained by the fence-viewers in manner aforesaid and on neglect of payment after demand actually made for the space of thirty days the said party so ceasing to improve shall recover the full value ascertained as aforesaid of the occupant lessor or freeholder by action on the case with costs of suit—

And be it further enacted that when any damage shall happen to any owner or occupant of land by reason of deficient fence which it was the duty of the owner or occupant of the land adjoining to build or maintain then such person whose duty it was to build or maintain such fence which hath proved to be so insufficient shall be liable to make good all such damages to be recovered by special action on the Case—

And be it further enacted that where any damage shall be done to any person whose fences are insufficient and such damage shall happen thro' such deficiency of fence by swine yoked and ringed according to law, horses fettered and other creatures not prohibited from feeding on the highways or commons the person sustaining such damage may not impound the creatures so doing damage nor shall he recover any damages therefor—

And be it further enacted that if any fence viewer shall neglect to attend and do any of the duties enjoined upon him by law he shall forfeit and pay the sum of thirty shillings to any person who will sue for the same—

And be it further enacted that each fence-viewer shall be allowed four shillings per day for his services and two shillings for any time less than a day and in all cases except where the same is otherwise ordered and directed the fees shall be paid by the parties interested and in all cases where the party or parties whose duty it is to pay the fence-viewers for their service shall neglect to pay the same for the space of thirty days after the service done they may recover double fees by action on the case—And each fence-viewer may be a Witness for or against another fence-viewer who was concerned with him in the same business or service—

And be it further enacted that in all cases before mentioned where fence viewers shall make a division of fence or shall estimate the value of any fence made or repaired they shall make oath that in doing it they have acted impartially uprightly and according to their best skill and Judgment and the same being recorded with the Justices Certificate thereon in the book of Records belonging to such town or place by the Clerk thereof where the original is lost an attested Copy from such Records shall be used instead thereof and shall be of equal validity with the original—



## [CHAPTER 39.]

*State of  
New Hampshire.* }

AN ACT FOR SETTING OFF DEBTS, MUTUAL DEMANDS & EXECUTIONS AGAINST EACH OTHER.—

[Passed February 8, 1791. Original Acts, vol. 12, p. 62; recorded Acts, vol. 6, p. 187. Laws, 1792 ed., p. 120. See acts of June 15, 1765, June 21, 1787 and June 27, 1787.]

Be it enacted by the Senate and house of Representatives in General Court convened that when there are mutual debts or demands between the plaintiff & defendant or if either party sue or be sued as Executor or Administrator where there are mutual debts between the Testator or Intestate and either party one debt or demand may be set against the other and such matter may be given in evidence under the General issue or pleaded in Bar as the nature of the case may require, so as at the time of pleading the General issue where any debt or demand against the plaintiff or his testator or Intestate is intended to be insisted on in evidence Notice shall be given of the particular sum or demand so intended to be given in evidence by way of offset and upon what Account it became due or otherwise such matter shall not be allowed to be given in evidence on the general issue—And mutual debts and demands may be set against each other either by being pleaded in bar, or given in evidence on the general issue notwithstanding that such debts are deemed in law to be of a different nature, unless in Cases where either of the said debts shall accrue by reason of a penalty contained in any Bond or Specialty—and in all cases where either the debt for which the Action hath been brought or shall be brought or the debt intended to be set against the same hath accrued or shall accrue by reason of any such penalty, the debt intended to be set off shall be pleaded in Bar in which plea shall be shewn how much is truly and justly due on either side, and in case the plaintiff shall recover in any such action or suit, judgment shall be entered for no more than shall appear to be truly & justly due to the plaintiff after one debt shall have been set against the other as aforesaid—Provided always—That no demand shall be pleaded by way of offset which was not justly due and accruing to the party pleading it at the time of the plaintiffs commencing his suit.—

And be it further enacted That where the defendant shall plead an Account or demand in offset unless he shall ten days before the sitting of the Court where the same is pleaded have served the adverse party with a Copy of such Account or a particular Statement of such demand, the plaintiff shall on

motion be entitled to one continuance of course that he may be prepared to defend against such Account or demand and demands in offset shall be so particularly described that the other party may be prepared to defend—

And be it further enacted That in either of the Cases aforesaid, if it shall be found by the Jury who try the cause that there is a Balance due to the Defendant, Judgment shall be rendered for the defendant for such sum or Balance as they shall find due and legal Costs—

And be it further enacted That when any demand shall be plead in Bar or given in evidence by way of offset in any Action before a Justice in which an offset is allowed the Justice may in Case he find a Balance due to the Defendant give judgment therefor with Costs provided the same exceed not the sum of forty shillings, but in case the Balance exceed the sum of forty shillings he shall give Judgment for Costs only.—

And be it further enacted That in all Cases where any persons have mutual Executions against each other in their own Rights or where any person as Executor or Administrator hath or may have an Execution against an other who hath or may have in his own Right an Execution against such Executor or Administrator for a debt due from his Testator or Intestate or where Executors or administrators have Execution against each other for mutual demands between their Testators or Intestates, the Sheriff at the request of the Creditor upon either Execution shall set off one Execution against the other, which set off, if the sums be equal in such mutual Executions shall satisfy them both, and return thereof shall be so made by the Sheriff—And where the sum contained in one of said mutual Executions is greater than the other, the Sheriff upon request as abovesaid shall set off and deduct the less from the greater and shall return the Execution for the less sum satisfied and shall proceed to levy the balance on the other Execution as directed in the Writ—And in all cases where mutual Executions shall be set off against each other this special matter shall be returned.

#### [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

#### AN ACT REGULATING THE CHOICE & SERVICE OF GRAND JURORS.

[Passed February 8, 1791. Original Acts, vol. 12, p. 63; recorded Acts, vol. 6, p. 189. Laws, 1792 ed., p. 103.]

Be it enacted by the Senate & House of Representatives in General Court convened that forty days at least before the sitting of the Superiour Court of Judicature in each County in

this State at the Stated Terms by law appointed for holding the same the Clerk of said Court shall issue a precept to the Clerk of each town within the County in which such Court is to be holden or to the Clerks of so many of the said towns as the said Court shall order requiring the Clerks to whom the same shall be directed to warn a meeting of the Inhabitants of his town qualified to vote for Representatives to chuse one or more persons as in said precept shall be ordered (each of whom to have an Estate of fifty pounds) to serve as Grand Jurors at said Court—And the said Town Clerk shall seven days at least before the day of holding the meeting for chusing such Grand Jurors post up at the usual place of notifying meetings in such Town a Notification for the Inhabitants to assemble for the purpose of chusing Grand Jurors agreeably to the precept to him directed

And the said Inhabitants when assembled shall proceed to chuse a Moderator to govern said meeting and shall thereupon elect such number of Grand Jurors as may be required of them And the persons chosen shall four days at least before the sitting of said Court be notified of their appointment and of the time when and the place where they are ordered to attend which shall be mentioned in such precept or a Notification shall be left the like number of days at such Jurors place of abode:— And the town Clerk shall make return of said precept to the Clerk of the Court whence it issued on the first day of the sitting thereof at such hour as in said precept shall be ordered, with his doings thereon;—And when any person chosen as aforesaid to serve as grand Juror shall make sufficient excuse in the Judgment of those assembled at any such town meeting they may excuse such person & proceed to chuse Another.—

And the persons chosen returned and attending as Grand Jurors shall be empannelled and sworn as the Grand Inquest of the County for that term.—

And be it further enacted that the Clerk of the Court of General Sessions of the peace in each County in this State shall once in every year at such Term as said Court shall order forty days previous to the sitting of the Court issue a precept to the Clerk of each Town in said County or to the Clerks of so many of said Towns as the said Court shall order requiring the said town Clerk to warn a meeting of the Inhabitants of his town qualified as aforesaid for the purpose of chusing such number of Grand Jurors as in the same precept shall be ordered who shall have the same qualifications as before mentioned for Jurors for the Superiour Court And such meeting shall be notified governd and holden in the same way & manner as is before mentioned with respect to Jurors for the Superiour Court And the person chosen at any such meeting to serve as Grand Juror giving sufficient reason therefor may be excused from serving by the quali-

fied Voters present and another be chosen in his room—And the town Clerk shall notify the person chosen as Grand Juror in the same manner & season as Grand Jurors for the Superiour Court are to be notified And shall make return of the precept to him directed with his doings thereon on the first day of the sitting of said Court at such hour as in said precept shall be ordered And the persons so chosen returned and attending as Grand Jurors shall be empannelled & sworn as the Grand Inquest for said County and shall continue in the said Office for the term of one year from the term at which they are empannelled & untill others be chosen and sworn in their stead And shall attend the said Court at every Session thereof by law established during the term Aforesaid.

And if any town Clerk having received such precept from the Clerk of either of the Courts aforesaid shall neglect to warn a meeting of the Inhabitants of his town qualified as aforesaid or shall neglect to Notify & summon the persons chosen Grand Jurors at any legal meeting or shall not make due return of the precept to him directed with his doings thereon He shall pay such fine as the Court by whose order the said precept issued in their discretion may impose not exceeding the sum of five pounds—

And if any town duly notified as before mentioned in either of the Cases aforesaid to chuse grand Jurors for the Superiour Court of Judicature or the Court of General Sessions of the peace shall neglect to chuse as many men duly qualified as aforesaid & able to attend the duty as are directed in the precept laid before such town by the town Clerk as aforesaid such town shall be amerced in such sum as the Court by whose order such precept issued shall order not exceeding the sum of six pounds.

And if any person chosen & notified to attend as aforesaid shall unnecessarily and without sufficient excuse neglect to attend agreeably to the notice given him he shall be fined by the Court by whose order the precept issued in a sum not exceeding three pounds—the said fines to be paid to the County Treasurer & to be for the use of the County.—

And if a sufficient number of Grand Jurors do not appear the respective Courts may order the Sheriff to return Grand Jurors of such persons present as occasion shall require and the said Court shall judge necessary provided the number wanting do not exceed five; And the said Sheriff is hereby ordered and directed to do the same accordingly

And the Clerks of the respective Courts before mentioned shall cause the precepts for the appointment of Grand Jurors to be delivered to the town Clerks to whom they are directed at least twenty five days before the Sitting of the Court to which they are returnable or to be delivered to the Sheriff of the County in which such Grand Jurors are to assemble at least forty days before the sitting of the Court to which such precepts

are returnable And the said Sheriff shall cause all such precepts as are delivered to him seasonably, to be delivered to the town Clerks to whom they are directed at least twenty five days before the day of the sitting of the Court to which they are returnable And if either of the said Clerks or Sheriffs shall make default herein they shall severally be amerced by the respective Courts where such default shall be made for each and every offence or neglect a sum not exceeding three pounds.

And the respective town Clerks shall be paid by the several towns to which they belong a reasonable sum for the performance of the duties enjoined on them by this Act.—

[CHAPTER 41.]

*State of  
New Hampshire.* }

AN ACT FOR REGULATING TOWNS AND THE CHOICE OF TOWN OFFICERS—

[Passed February 8, 1791. Original Acts, vol. 12, p. 64; recorded Acts, vol. 6, p. 192. Laws, 1792 ed., p. 167. One section of this act is repealed by the act of July, 1819. See additional act of December 16, 1796. See Robinson, "History of Taxation in New Hampshire," p. 198.]

Be it enacted by the Senate and House of Representatives in General Court convened that the lines between Towns shall be perambulated and the marks and bounds renewed within two years from the passing of this Act and once every seven years forever after by the Selectmen of each town or by such person or persons as they shall in writing appoint for that purpose, and their proceedings shall be recorded in the respective Town books, And the Selectmen of that Town which hath been longest organized or incorporated shall give notice in writing unto the Selectmen of the Towns adjoining which have not been so long organized or incorporated of the time and place of meeting for such perambulation ten days before hand

And where two towns were incorporated on the same day that which is highest in the valuation or proportion of public taxes shall be considered as the senior town—And if the Selectmen whose duty it is to give such notice shall neglect to notify in the manner and season by this Act required they shall forfeit the sum of five pounds to be recovered by the Selectmen of any junior Town adjoining who are entitled to such notice by action in the Court of Common Pleas one half to the use of the Selectmen who sue for the same, the other half to the use of the Town where the Selectmen suing for the same belong to be commenced in one year after such forfeiture shall have accrued and not afterwards—

And in case the Selectmen whose duty it is shall give such notice as by Law they ought to give but shall neglect to attend at the time and place agreeably to the notification they shall for every such neglect forfeit the sum of five pounds to be recovered and disposed of in the same manner as the forfeiture abovementioned, and shall be prosecuted in the time therein limited and not afterwards—

And in case the Selectmen of the junior Town after being duly notified to attend such perambulation shall neglect to attend agreeably to such notification they shall forfeit the sum of five pounds to be recovered by the Selectmen of the Senior Town so notifying in the Court of Common Pleas and to be appropriated one half to the Selectmen suing for the same and the other half to the use of the Senior Town provided the Action be commenced in one year after the forfeiture shall have accrued and not afterwards—

And in default of such prosecution in either of the cases aforesaid within the time limited as aforesaid the said forfeiture may be recovered by Indictment in the Superior Court of Judicature if found at any time within two years next after the said forfeiture shall have accrued—

And in either of the Cases aforesaid where a Town shall adjoin on a Parish with Town privileges the said Parish shall be considered to all intents and purposes as the junior Town and shall be entitled to notice accordingly, and the Selectmen thereof shall have the same powers and be liable to the same penalties for all the purposes before mentioned as the Selectmen of Towns—

And where any Town shall adjoin on any tract of land unincorporated the perambulation may so far as they adjoin be *ex parte*—

And be it further enacted that every male inhabitant of each town in this State of twenty one years of age and upwards paying for himself a poll tax shall have a right to vote in the town where he lives or of which he is an inhabitant in any public Town meeting in any matter that shall come before such town

And be it further enacted that at the annual meetings of the Inhabitants of each Town in this State duly warned and holden in such Town annually forever in the Month of March on such day as the Charter of such Town or the Law of this State hath prescribed the said Inhabitants being assembled in legal Town meeting duly warned shall then and there by major vote choose a suitable Person to be Clerk of such town, and three or more persons not exceeding nine able and discreet of good conversation and freeholders inhabiting in such Town to be Selectmen, Overseers of the Poor, Treasurer, Fire wards a Constable or Constables all of whom shall be freeholders and Inhabitants of said Town, Collectors of Taxes, Surveyors of Highways, Tything-

men, fence-viewers, Clerk of the Market, Sealers of Leather, Sealers of weights and measures, Hogleaves, Cordors of wood, Surveyors of Lumber, Culler of Staves, Hawards or Field drivers and every other Town Officer that the Law of this State directs and such other Officers as they may judge necessary for managing their affairs—

And the beforenamed and all other Town officers known in Law as such shall have an oath administred unto them agreeably to the Form prescribed for the faithful discharge of the duties of their respective offices, and such Officers shall continue in office the space of one year or untill the next Annual Meeting for the choice of Town Officers and untill others be chosen and sworn in their room except in cases where the Law shall otherwise direct, and the powers of all Collectors of Taxes and Surveyors of Highways shall continue untill they shall have collected all the monies in their Lists contained of the persons therein named or have caused the labour required to be done in such Surveyors Warrants to be done and performed—

And it shall be the duty of the Town Clerk truly to record all votes passed in any Town meeting whilst in office and to discharge all the duties of the Office according to Law.

And the Selectmen shall have the ordering and managing of all the prudential affairs of such Towns—And the said Town Clerk, Selectmen and all other Town Officers shall faithfully do perform and execute all other matters and things in the Laws appointed by them to be done and performed—

And the Selectmen of any town may and shall discharge the duties of Overseers of the Poor and Treasurer where such Officers shall not be particularly chosen—

And any Town may choose Assessors who shall have the qualifications of Selectmen and shall have all the Powers of Selectmen as far as relates to assessing Taxes—

And the Town Clerk or any two of the Selectmen shall forthwith after the choice of such Town Officers by writing under his or their hands direct any Constable of such Town to notify the Persons so chosen and named in such writing to appear within six days from the day of such notice before the Town Clerk for the time being or any of the Selectmen or any Justice of the peace in the same County and take the oath by Law prescribed—

And the Constable shall within four days after the receipt of such writing or precept notify the persons therein named agreeably to the tenor of said Precept, which notice shall be personal or left at the usual place of abode of the person so chosen—Or such persons may be notified to take the Oath of Office in open Town meeting by the Moderator any Selectman or the Town Clerk and such person if present shall immediately in open meeting declare his acceptance or refusal—

And every person not by law exempt from serving in such

Office who shall after such notice being given in open Town meeting as aforesaid neglect for the space of one hour to take the oath of Office and every person who shall neglect for the space of six days after he shall have received such other personal notice as before mentioned or for the same space of time after the notification shall have been left at his place of abode or for the space of six days after he shall have returned to his dwelling house in case he was absent when the said Notification was left, to appear and take such Oath. And in case the same is taken before any person other than the Town Clerk, to file a Certificate of his having so taken it with the Town Clerk, shall forfeit and pay the sum of twenty shillings to any person who will sue for the same—Provided nothing above contained shall be considered as applying to such Officers for whose neglect a different penalty is by Law provided—

And every Constable shall within ten days after the receipt of such writing or Precept return the same with his doings therein to the Town Clerk for the time being—And every Constable neglecting his duty in any of the particulars aforesaid shall forfeit and pay the sum of thirty shillings to any inhabitant of this State who will sue for the same, the one half of the forfeitures before mentioned to be for the use of such Town, and the other half to the use of the prosecutor—

Provided always that no person shall be obliged to serve in any town Office two years successively, Nor shall any person in Commission for any Office civil or military, Church Officer, any member of the Legislature for the time being nor any one who has served in the Office of a Constable in any Town in this State other than such as shall serve for hire of any particular person or of any town within seven years, be obliged to serve in the Office of Constable—

And provided further that no person shall in any case be compelled to serve as a Collector of taxes—

And be it further enacted, that the Town Clerk shall make a Record of the names of such persons as shall be sworn into any Town Office—

And be it further enacted that any Town Clerk or any one of the Selectmen or any Justice of the Peace be and they hereby are respectively impowered to administer the oath of Office in form by Law prescribed to any Town Officer—

And be it further enacted that when there shall be a Vacancy in any Town Office by reason of the Death of any Town Officer or by reason of the nonacceptance of any person chosen into any such office or by reason of the removal of any such Officer, or by reason of any person becoming non compos mentis in the Judgment of the Town, or when there shall be a vacancy in any other way, or when there shall be a want of any Town Officer or Officers, the Inhabitants of such Town at any legal Meeting



duly warned and holden in such Town or at the adjournment of the annual Meeting may proceed to fill up such Vacancies and to choose such Officer or Officers as may be wanting and the Officer or Officers so chosen and sworn shall have the same power and authority as tho' chosen at the annual Meeting for the choice of Town Officers, And in every such case the person filling such Vacancy is authorized to take up the business appertaining to his Office where his immediate predecessor in Office left it, and to proceed to the full execution and discharge of the same as fully to all intents and purposes as the Officer first chosen into said Office that year could or might have done—And all Officers chosen at said Meetings shall be liable to the same penalties and forfeitures for not accepting or not taking the Oath of Office and for every neglect of duty in their respective Offices as tho' such Officers were or had been chosen at the annual meeting for the choice of Town Officers—

And be it further enacted that in case any Collector of Taxes in any Town in this State shall die abscond or become Non compos mentis before he shall have compleated the collection of the several sums in his Lists contained the Inhabitants of any such Town may at any public Meeting duly warned & legally holden in such Town choose a Collector or hire and agree with one in his room who shall have power and authority to finish the Collection of the sums in such Lists contained in as ample a manner as the Collector to whom such List was originally committed could have done, And shall be liable for the taxes outstanding at the time he received the List in the same manner as other Collectors are by Law answerable for the Lists committed to them to collect—

And be it further enacted that if any Town or Place shall neglect or refuse to choose a Collector or Collectors or shall refuse to fill up a Vacancy in case the Office be vacant in either of the ways before mentioned in every such case the Selectmen, of such Town or Place shall and may make such choice or fill up such vacancy and the person so appointed by the Selectmen shall have all the power and authority as far as relates to collecting State and County taxes and shall be liable to the same pains and penalties in case of neglect of duty as Collectors chosen by the Inhabitants of any town or place by law are or may be liable—And the Selectmen may give such Collector by them so appointed in the case aforesaid a reasonable sum for his trouble and may charge the Town to which they belong therewith—

And be it further enacted that the Inhabitants of every Town in this State qualified by Law to vote in Town affairs at any meeting duly warned and legally holden are hereby impowered to make and agree upon such necessary rules, orders and by-laws for the directing managing and or lering the prudential affairs of such Town as they shall judge most conducive to the

peace, welfare, interest and good order of the inhabitants of such town and to annex penalties to such Laws not exceeding twenty shillings for one offence and to enure to such use as they shall therein direct—Provided such Laws be not repugnant to the Constitution and Laws of this State and provided also that such By-Laws be approved by the Court of General Sessions of the peace in the same County—And the penalty for any breach of such By-Laws shall be recovered before any Justice not interested therein—

And be it further enacted that the Inhabitants of each town in this State qualified to vote as aforesaid at any meeting duly and legally warned and holden in such town may agreeably to the Constitution grant and vote such sum or sums of money as they shall judge necessary for the settlement maintenance and support of the ministry, schools, meeting houses, school houses the maintenance of the poor, for laying out and repairing Highways for building and repairing bridges and for all the necessary charges arising within the said Town to be assessed on the polls and estates in the same town as the Law directs—

And be it further enacted that when there shall be occasion for a town meeting the Selectmen shall make out a Warrant under their hands and seal directed to some Constable in the same Town requiring him to notify the inhabitants of such Town qualified by law to vote in Town affairs to meet at a place in said Town and at a certain Hour therein mentioned, and the said Selectmen shall in such Warrant insert the intent and design of such Meeting and the subject matter of all business matters and things to be considered and acted upon at said meeting—And nothing done at said meeting holden upon or by virtue of said Warrant shall be considered as good and valid in Law unless the subject matter thereof shall have been inserted as aforesaid—

And the Constable shall post up an attested Copy of such Warrant at the meeting house or some public place in said Town fifteen days before the day of holding such meeting or give personal Notice the like number of days before such meeting (unless in cases where other and different notice is by Law prescribed and directed) or otherwise notify and summon the Inhabitants in such way and manner as the Inhabitants shall at any legal meeting agree upon—And the Constable shall return such Warrant at the place and at the hour for holding such meeting with his doings therein to the Town Clerk or in his absence to any of the Selectmen to be acted upon—

And in case ten or more of the freeholders in any town shall signify their desire in writing to the Selectmen to have any matter or thing inserted in a Warrant for calling a meeting the Selectmen are hereby required to insert the same in the next Warrant they shall issue for a meeting, or call a meeting for the

express purpose of considering thereof if the same should be requested—And in case the Selectmen shall unreasonably neglect to call a meeting or to insert such article the sixth part of the legal Voters in any such town may apply to any Justice of the peace within the same County who is hereby authorized and empowered to issue his Warrant under his hand and seal directed to any Constable of the town if any such there be otherwise to any of the freeholders applying, directing and requiring him to warn the inhabitants of such Town qualified to vote in Town affairs to assemble at such time and place in said Town, as the said Justice shall order and for the purposes in said Warrant expressed and the same notice shall be given and return thereof made as in other cases—

And when by reason of death or removal of Selectmen a major part of the number originally chosen shall not remain in office in such case a major part of the survivors or such as remain in office shall have power to call a town meeting for the purpose of filling up such vacancy—And if it should so happen at any time that there should be no Constable in Office in any town or if the Constable or Constables should be absent or neglect or refuse to do their duty herein the Selectmen may direct their Warrant for calling a Town meeting to any freeholder in such town who is hereby authorized empowered and required to notify and summon the said Inhabitants in the same manner as a Constable might or could do—And such freeholder shall be subjected to the like penalty for neglect of duty herein as Constables are in the like case—

And if any Constable shall in any of the particulars aforesaid neglect his duty he shall for each offence forfeit and pay the sum of ten pounds to any inhabitant of the town who will sue for the same in the Court of Common Pleas in the same County the one half thereof to the use of the Town and the other half to the use of the prosecutor—

And be it further enacted that all places incorporated by the names of Parishes with town privileges are hereby declared to be Towns to every intent and purpose and are entitled to all the privileges and vested with all the powers and liable to all the penalties to which towns by this Act are entitled or which such towns are vested with or to which towns are liable—

And be it further enacted that if any Selectmen shall neglect to issue a Warrant for the holding of Meetings in due course of Law for the choice of President, Senators, Representatives, County Register and County Treasurer and Town Officers they shall for each neglect forfeit and pay the sum of ten pounds to be recovered by any person who shall sue for the same in the Court of Common Pleas which sum shall be for the benefit of the person suing for the same—

And be it further enacted that whenever it shall happen that

the annual Meetings of any town or parish in this State hath not been duly holden or in case any Town or Parish hath never had any legal meeting then on the application of any ten freeholders of such town or parish made in writing to any Justice of the Peace such Justice shall call a Meeting of the Inhabitants of such town or parish by Warrant under his hand & seal directed to any of the freeholders of said Town or Parish in which Warrant shall be expressed the design of such meeting and the articles to be acted upon—And the same Notice shall be given as in other cases of warning town meetings and the said Justice shall preside in said meeting untill a Moderator be chosen—

And be it further enacted that at every town meeting a Moderator shall be first chosen by a majority of votes who shall then be empowered to manage and regulate the business of that Meeting—And when any Vote declared by the Moderator shall immediately and before any other business be entered upon be scrupled or questioned by seven or more of the Voters present the Moderator shall make the vote certain by polling the voters or in such way as the majority of the voters present may determine—And no person shall speak in the meeting without leave of the Moderator nor when any other person is orderly speaking—And all persons shall be silent at the desire of the Moderator on pain of forfeiting five shillings for the breach of every such order to the use of the town—And if any person after being notified by the Moderator of such offence or of being out of order shall persist in such disorderly conduct the moderator shall order such person to withdraw from the meeting and such Offender upon his refusal or neglect to withdraw shall forfeit and pay the sum of twenty shillings to the use of such Town for each and every such offence, said forfeitures to be recovered by the Moderator, Selectmen or Town Treasurer before any Justice of the Peace in the same County not an Inhabitant of the same town unto whom the penalty or any part of it is given

Provided always that Town meetings for the choice of President and Senators of this State, Electors and Representatives of the United States shall be regulated and governed as the Constitution and Laws respecting such elections may specially direct—

And be it further enacted, that all penalties and forfeitures in this Act mentioned not exceeding forty shillings shall be sued for before a Justice of the Peace in the County where the offence may be committed, the action to be commenced within three months after the offence committed and not afterwards And be it further enacted that the inhabitants of every town within this State are hereby declared to be a body politic and corporate and as such by the name of their incorporation may sue and be sued and may prosecute and defend any action or suit in any proper Court in this State—And such Towns may

at any legal meeting duly warned and holden in such town choose an Agent or Agents, Attorney or Attornies for the purposes aforesaid and a Certificate of such appointment signed by the Town Clerk shall be deemed sufficient evidence thereof—

And be it further enacted that all Trustees of Colleges, Academies, Schools and Proprietors of Common and undivided lands, grants and other estates or Interest be and hereby are empowered to sue prosecute and defend any actions and to appoint an Agent or Agents Attorney or Attornies to appear for them and in their behalf—

And be it further enacted that when any town body politic or corporate or the proprietors of any common and undivided lands, Trustees for schools, Academies or Colleges are sued an attested copy of the Writ shall be delivered to the Clerk of such town body politic or corporate or proprietors of common and undivided lands or Trustees or to one of the principal Inhabitants or members thirty days before the sitting of the Court to which the same is returnable or left by the like number of days before the sitting of said Court at his last and usual place of abode—

And be it further enacted that all places unincorporated which shall from time to time be ordered by the General Court to pay any part of the public Taxes shall be and they hereby are invested with all the powers which towns in this State by law have so far as relates to the choice of Assessors, Selectmen and Collectors and the persons chosen into said offices respectively shall be liable to the same penalties for not taking the oath of office, and to the same penalties forfeitures and process for neglect of duty in any thing pertaining to their respective offices as such Officers in towns by Law are—And the Inhabitants of such unincorporated places who may neglect or refuse to choose Assessors Selectmen and Collectors shall be liable to the same process as the Inhabitants of towns so refusing or neglecting—And any Justice of the peace upon the Application of any five of the Inhabitants of any such place shall warn a meeting for the choice of such Officers in the same manner as he is authorized and required by Law to do on the application of the Inhabitants of any town on the refusal or neglect of Selectmen—And such Assessors shall have the same power, And it shall be their duty to warn meetings in such places for the choice of all such Officers in future—

And be it further enacted that where any town or place in this State by Law liable to pay public Taxes have refused or neglected or shall refuse or neglect to choose proper Officers for assessing and collecting taxes according to Law, the Treasurer of the State and the County Treasurers respectively are empowered and authorized to issue their executions against the Inhabitants of such towns or places—And the persons from who

such sums shall be levied shall have contribution against the other inhabitants of such town or place for such sums so levied from them as aforesaid and all costs and damages they may have sustained thereby and shall recover double costs of suit—

And be it further enacted that in all cases where any thing by Law is enjoined upon or to be done by the Selectmen of any town or place it shall be sufficient if done by the major part of such selectmen—

And be it further enacted that no person, shall by virtue of his being chosen Constable be compelled to collect any Rates or Taxes—

## [CHAPTER 42.]

*State of  
New Hampshire.* }

### AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES

[Passed February 8, 1791. Original Acts, vol. 12, p. 65; recorded Acts, vol. 6, p. 204. Laws, 1792 ed., p. 243. See two acts of January 17, 1777 and act of April 6, 1781.]

Be it enacted by the Senate and House of Representatives in general Court convened,

That if any Person or Persons owing Allegiance to this State shall levy War or conspire to levy War against the same or shall in any way within this State or elsewhere give Aid and Comfort to the Enemies of this State and shall be thereof convicted either on confession in open Court or on the Testimony of two Witnesses to the same overt Act of Treason of which such Person is indicted such Person or Persons shall be adjudged guilty of Treason against this State and shall suffer Death.

And be it further enacted That if any Person or Persons knowing any such Treason to have been committed or having knowledge of the Intent of any Person or Persons to commit any such Treason shall not within fourteen Days from the Time of his having such knowledge give information thereof to the President of this State, some of the Justices of the superior Court of Judicature or some Justice of the Peace, such Person or Persons shall on conviction be adjudged guilty of misprision of Treason shall be imprisoned not exceeding seven Years and fined not exceeding five hundred Pounds.

And be it further enacted That if any Person shall commit wilful Murder such Person shall on conviction thereof suffer Death.

And be it further enacted That if any Woman shall endeavour privately to conceal the Death of any Issue of her Body which if born alive would by Law be a Bastard so that it may not come to light whether it were born alive or not or whether it was

murdered or not in every such Case the Mother so offending on being thereof convicted shall be set on the Gallows for the space of one Hour and may be imprisoned not exceeding two Years or instead of being set on the Gallows may be fined not exceeding three hundred Pounds and where the grand Jury shall charge in the same Indictment any Mother with the Murder of her infant Bastard Child as well as with the offence before described of concealing the Death of such Infant the Jury who pass upon the Trial may acquit as to the Murder and convict of the said offence of concealing as aforesaid.

And be it further enacted That if any Person shall commit Manslaughter and be thereof convicted such Person shall be set on the Gallows for the space of one Hour with a Rope about his Neck and one end thereof shall be cast over the Gallows and imprisoned not exceeding twelve Months bound to good Behaviour a Term not exceeding three Years and fined not exceeding three hundred Pounds and the Court before whom the Conviction shall be shall order the Person convicted to suffer all or part of the foregoing Punishments, according to the Circumstances and Aggravations of the offence.

And be it further enacted That if any Man shall ravish and carnally know any Woman committing Carnal Copulation with her by force against her Will or if any Man shall unlawfully and carnally know and abuse any Woman Child under the Age of ten Years every Person so offending in either of those Cases on Conviction shall suffer Death.

And be it further enacted That if any Man shall carnally lie with a Man as a Man carnally lieth with a Woman or if any Man or Woman shall have carnal Copulation with any Beast or brute Creature and be thereof convicted the Offender in either of those Cases before mentioned shall suffer Death and the Beast shall be slain and burned.

And be it further enacted That if any Person shall in the night time break and enter any dwelling House in this State with intent to kill, rob, steal, or to do or perpetrate any felony the Person so offending being thereof convicted shall suffer Death.

And be it further enacted That if any Person between sun-setting & sunrising shall wilfully and maliciously burn the dwelling House of another or any out building adjoining thereto or any other Building by Means of which a dwelling House shall be burnt such Person on Conviction of any such Offence shall suffer Death.

And be it further enacted That if any Person between sunrising and sunseting shall wilfully and maliciously burn the dwelling House of another or any Out building adjoining thereto or any other Building by means of which a dwelling House shall be burnt or if any Person shall wilfully and maliciously by Night

or by Day burn any Barn Warehouse Shop Mill Malt-house Out-house any School house Meeting house Court-house or any other Building erected for public or private Use any Ship or other Vessel used in Navigation or if any Person shall wilfully and maliciously burn any Stacks of Corn Hay Grain Fences Piles of Boards Lumber or Wood the Person offending in either of the Cases aforesaid being thereof convicted shall be sentenced to be sett in the Pillory whipped imprisoned bound to good Behaviour or fined a Sum not exceeding one Thousand Pounds or any or all of the foregoing Punishments according to the Nature and Aggravation of the Offence.

And be it further enacted That if any Person shall feloniously Assault rob and take from another Person any Money Goods Chattels or other Property that may be the subject of Theft such Person being thereof convicted shall be adjudged guilty of Felony and shall suffer Death.

And be it further enacted That if any Person shall make an Assault on another with intent to commit Murder Rape Sodomy or Robbery or if any Person shall assault any Woman in the Fields Streets or Highways and offer any Violence to such Woman the Person so offending on conviction thereof shall be fined not exceeding three hundred Pounds imprisoned not exceeding two Years be whipped not exceeding One hundred Stripes as the Court before whom the Conviction may be considering the Nature and Aggravations of the Offence may Order.

And be it further enacted That if any Person shall falsely make alter forge or counterfeit or cause or procure to be falsely made altered forged or counterfeited or willingly Aid or assist in the false making altering forging or counterfeiting any State Note Certificate or other publick Security of this State or shall utter put off or offer or cause to be uttered put off or offered in payment or for Sale any such false forged altered or counterfeited State Note Certificate or other publick Security of this State with intention to defraud any Person knowing the same to be false altered forged or counterfeited the Person so offending in either of the Cases aforesaid shall on conviction thereof suffer Death.

And be it further enacted That if any Person shall wittingly and deceitfully forge or alter or wittingly and deceitfully cause to be forged or altered or procure aid and counsel the forging or altering of any matter of Record any Writ Process or other Proceedings in the Courts or course of Justice in this State any Deed of Conveyance last Will and Testament Obligation or Writing sealed any promissory Note Bill of exchange, Order, Acceptance Assignment or endorsement on them, any Acquittance or Receipt for Money Goods or other Thing or any Warrant Order or Request for the Payment of Money or the delivery of Goods or Chattels of any kind any Certificate or accountable



Receipt for Money or other thing any Lottery Ticket or any Evidence or Assurance of Money or other thing whatever with intent to defraud any Person or if any Person shall utter or publish as true or cause or procure to be uttered and published as true any of the above false forged altered and counterfeited Deeds & other Matters as above specified or shall in any wise be aiding and assisting therein with intent to deceive and defraud any Person the Person so offending on Conviction thereof shall be punished by setting in the Pillory imprisonment not exceeding three Years and fined not exceeding five Hundred Pounds or any or all of these Punishments according to the Nature & Aggravations of the Offence.

And be it further enacted That no Person shall be tried for any Offence for which capital Punishment may be inflicted untill a Bill of Indictment be found against him for such Offence by the grand Jurors attending the superior Court of Judicature and in all criminal causes the Trial shall be had in the County where the Offence was committed if the Offence was committed within this State and in Case the Offence was committed without the limits of this State the Offender shall be tried in the County where he is apprehended or in the County into which he is first brought.

And be it further enacted That every Person indicted for Treason or any other Crime the punishment of which is Death shall be entitled to a Copy of the Indictment found against him before such Person be arraigned thereon and a List of the Witnesses to be used on the Trial and the Jurors returned to serve on the same with their Names and the Places of their Abode shall be delivered to the Prisoner forty Eight Hours before the Trial and the Prisoner shall at his request have Council learned in the Law assigned him by the Court not exceeding two and such Council shall have access to the Prisoner at all seasonable Hours and the Person so accused and indicted shall have Liberty to make his full defence by Council and by himself and to make any Proof by lawful Witnesses that he may produce and such Prisoner shall have the like Process from the Court before whom the Trial may be to compel Witnesses to appear and testify at the Trial as is usually granted to compel Witnesses to appear and testify on the Prosecution against Persons accused.

And be it further enacted That if any Person indicted for Treason against this State or for any other Offence for which the Punishment by Law is Death shall stand mute when arraigned thereupon a Jury shall forthwith be empannelled and sworn to try whether the Person so standing mute standeth mute by the Providence of God or fraudulently wilfully and obstinately and if they shall return their Verdict that the Prisoner standeth mute by the Providence of God the Court shall thereupon cause the Prisoner to be remanded to Prison and shall not proceed

against him untill he shall have recovered therefrom but if the Jury return their Verdict that the Prisoner standeth mute fraudulently wilfully & obstinately then the Court shall proceed to the Trial of the Person so standing mute as if he had Pleaded not guilty and the said Court shall render Judgment accordingly except that the Person so standing mute shall not be allowed to make any challenges to the Jurors

And be it further enacted That every Person indicted for Treason or any other Crime the Punishment of which is Death who shall have duly pleaded to the Indictment found against him and shall have put himself on the Country for Trial shall be permitted to challenge without assigning any reason for such challenge Twenty of the Jurors and as great a Number further as he can shew legal Cause for challenging and if any Person indicted as aforesaid after having voluntarily pleaded as aforesaid shall refuse to put himself on the Country for Trial or shall peremptorily challenge a greater Number than Twenty of the Jury as aforesaid the Court shall disallow of all such peremptory Challenges above the number of Twenty and the Jury shall be charged and the Trial shall proceed in like Manner in all respects and the like Judgment shall be given as if the Person so refusing to put himself on the Country for Trial or so challenging a greater Number than Twenty Jurors without assigning any Cause had duly put himself on the Country for Trial and had not peremptorily challenged a greater Number of Jurors than by Law he might or could have done.

And be it further enacted That the Attorney General or other Person prosecuting in behalf of the State shall not be admitted in any Case whatever peremptorily to challenge any Juror about to be empannelled for the Trial of any criminal accusation or Charge.

And be it further enacted That if any Person shall be convicted of any Crime at common Law wherein by Law the benefit of Clergy was heretofore allowed and for which without such benefit of Clergy he must have been sentenced to suffer the Pains of Death such Person shall not be entitled to the benefit of Clergy but instead of the Punishment of Death such Person shall be punished by being sett on the Gallows for the space of one Hour with a Rope about his Neck and the other End thereof cast over the Gallows by fine not exceeding one Thousand Pounds by whipping not exceeding Thirty-nine Stripes or suffer one or more of these Punishments according to the Aggravation of the Offence

And be it further enacted That the benefit of Clergy shall not be used or allowed upon Conviction of any Crime for which by any Statute of this State the Punishment is or shall be declared to be Death.

And be it further enacted That no Person shall be tried for any Treason unless the Indictment for the same be found within two Years next after the Offence committed.

And be it further enacted That the manner of inflicting the Punishment of Death shall be by hanging the Person convicted by the Neck untill Dead.

And be it further enacted That when Process shall have issued in any other of the United States against any Person for a Crime alledged to have been committed in such State and the Person against whom the Process issued shall make his escape into this State any Justice of the Peace in this State on Application made to him and on sufficient Proof that such Process issued from lawful Authority shall issue his Warrant directed to all proper Officers in the County for which such Justice is Commissioned or to any Person by Name who shall be under Oath to the faithful execution thereof requiring the Person or Persons to whom the same warrant may be directed to apprehend the said Offender if he may be found in such County and the Justice to whom the same Warrant may be returned may if he shall think it proper on Examination send by Warrant such Offender to the Line of this State next to the State in which the original Process issued that he may be delivered to some proper Officer there ready to receive him and convey him to the Place where the offence was committed and the Sheriffs of the respective Counties in this State and all other Persons to whom the same Precept may be directed are hereby required to obey and execute the same

And be it further enacted That where any Offender shall be apprehended in any neighbouring State and it may be necessary to carry him through this State in order that he may be conveyed to the Place where the Offence was committed it shall be the Duty of any Justice of the Peace in this State on Application made to him and Proof that lawful Process hath issued against such Offender by Warrant under his hand and Seal directed to the Sheriffs in such Counties through which it may be necessary to carry such Offender or to other proper Officers in such Counties or to any other Person by Name to cause such Offender to be conveyed to the Line of this State next to the State where the Offence was committed there to be delivered to same proper Officer ready to receive such Offender and the Persons to whom such Precept may be lawfully directed as aforesaid are hereby required to obey and execute the same

And be it further enacted That the Sheriffs deputy Sheriffs Constables or other Officers of Justice of any neighbouring Government with their Assistants in the execution of any lawful Process issuing from or returnable to Courts in their respective States may and shall have full Liberty Power and Authority to pass and repass and also to convey such Persons or Things

as they may have in their Custody by virtue of any such lawful Process as aforesaid in or by any of the Roads or ways lying in or leading through any Towns or Lands in this State in as full free and ample a manner as the Officers of Justice in this State do use and exercise in the discharge of their Duty and Office and any Person insulting or obstructing such Officers so passing through any part of this State in such execution of their Office as aforesaid shall be liable to the same Punishment as by Law is inflicted on Persons insulting similar Officers of this State in the execution of their Offices in similar Cases

And be it further enacted That when any Justice of the Peace in any County in this State shall issue his Warrant against any Person for an Offence committed in such County and the Offender escape into any other County in this State any Justice of the Peace in any County where such offender may be found on Application made to him and Proof of such Process having issued from lawful Authority shall issue his Warrant directed to all proper Officers of his County requiring them to apprehend the said Offender and convey him to the Line of the County where the Offence is alledged to have been committed if an adjoining County and there deliver him to some proper Officer and if there be any County intervening the same Process may be repeated untill the Offender be conveyed and delivered to some proper Officer of the County where the Offence is alledged to have been committed

And be it further enacted That any Justice throughout this State may issue a Warrant for apprehending any criminal Offender in any County in this State and the said Warrant may be directed and shall be obeyed and executed by the Persons to whom the same is directed in the same manner as Warrants issuing from the Court of general Sessions of the Peace are and ought to be directed obeyed and executed.

And be it further enacted That where a Certificate shall issue from the Clerk of any Judicial Court in any other of the United States certifying that there is a criminal Cause pending in such Court and that a Person or Persons residing or inhabiting in this State is supposed to be a material Witness in such Cause either in behalf of such State or the Person accused any Justice of the Peace in the County where such necessary Witness resides on application made to him shall on the back of such Certificate or Paper annexed thereto issue a Summons requiring such Witness to appear at the Court where such Cause is pending and testify and if any Person so summoned and having tendered unto him a Sum equal to four Pence for every Miles travel from the Place of such Witnesses Abode to the Court where the Trial may be and six Shillings at the end of every Day for such Witnesses Attendance at the Place of Trial and such Witness having no reasonable excuse to the Contrary

shall neglect to appear and attend such Court and testify every Person so neglecting and refusing shall forfeit and pay one hundred Pounds to any Person tho not an Inhabitant of this State who will sue for the same in this State

[CHAPTER 43.]

*State of  
New Hampshire.* }

AN ACT FOR ESTABLISHING AN EQUITABLE METHOD OF MAKING TAXES AND FOR ASCERTAINING THE POWERS OF SELECTMEN—

[Passed February 8, 1791. Original Acts, vol. 12, p. 66; recorded Acts, vol. 6, p. 213. Laws, 1792 ed., p. 182. Jaffrey v. Smith, 76 N. H., 175, 176.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Selectmen of the several Towns in this State be and they hereby are authorised impowered and required seasonably in every year to assess the polls and Estates within such Towns according to the rules and directions of the law their just and equal proportion of all sums of money granted by the General Court for which they shall have a warrant under the hand and seal of the treasurer of this State for the time being and their proportion of all sums of money voted and agreed to be raised by the Justices of the Court of General Sessions of the peace in the same County for which they shall have a warrant under the hand and seal of the treasurer of the same County and all such sums of money as shall be voted to be raised at any legal meeting by the inhabitants of their town. And they shall also assess the polls and estates within such town all such sums of money as they may by any law of this State be authorised and impowered to assess. And the Select men may from time to time if they judge it necessary and convenient in assessing the State, County and all other taxes assess a sum over and above the sum required to be assessed, not exceeding one shilling on every pound required to be assessed, to answer any abatement that may be necessary in collecting such taxes. And the said overplus sum shall be paid to the town Treasurer or to the Selectmen for the purposes aforesaid and for the use of such Town or Place—

And the selectmen shall make lists of all such assessments under their hands and commit the same unto the collector or collectors of their respective towns with a warrant under their hands and seal in due form of Law And in such lists shall be set down and expressed the names of all the inhabitants or residents therein taxed for their polls and estates or estates only and their several proportion of each Tax And a particular description as herein after mentioned of the estate of any persons taxed in such lists who are not inhabitants of such town and the proportion

of such estate to each Tax. And the said selectmen shall cause a fair entry and record to be made of all invoices by them taken and assessments by them made in a book of record of the doings and proceedings of the selectmen in their said Office which book shall be the property of and shall be open to any of the inhabitants of said town And the said selectmen shall also have their assessments recorded by the town Clerk in a book of records belonging to such Town or shall leave an attested copy with him seasonably for that purpose and a copy of the invoice from which the assessment was made shall be recorded or left with the town Clerk in manner aforesaid that the inhabitants or others rated may inspect the same—

And be it further enacted that the Selectmen of the several Towns shall seasonably return to the respective treasurers or persons to whom they shall order the collector to pay any sum or sums of money the name or names of the Collector or Collectors within their respective Towns with an account of the sums he is ordered to collect and pay to them respectively the date of the warrants given to him for that purpose and the time when he was ordered to pay the same to the respective Treasurers aforesaid—

And be it further enacted that the Inhabitants of the several towns within this State shall annually exhibit to the select men a just and true account of their polls and estates ratable by law And the selectmen shall give warning at any public meeting or post up notifications at some public place or places in such Town or in some other way notify the respective inhabitants of such Town of the time and place in such town when and where they will meet to receive such account and the said Selectmen may make personal application to the respective inhabitants of such Town for an account of their polls and ratable estate in the manner usually practised in this State or in any manner such Town may agree upon. And said invoice shall be taken of what the respective Inhabitants shall be possessed of on the first day of April annually and shall be taken some time in the same month—

And in case any person shall remove from any town after the first day of April he shall pay his Taxes that year in the town from whence he removed—And if any person shall neglect after being duly notified or shall refuse when called upon in person by any of the selectmen to give a true account of his poll and ratable estate on oath if required which oath any Selectman is hereby impowered to administer the Selectmen may set down to such person or persons as much by way of doomage as they shall judge equitable and make the assessment accordingly which shall not be abated by the Sessions unless in cases where the person is unable to exhibit a particular account and offers to make oath that that is the real case and that he has used

every endeavour in his power to enable him to make out such account.

And be it further enacted that if any person in giving in an account to the Selectmen of his estate ratable by law shall not give in the whole of his estate so ratable but shall conceal some part thereof from the knowledge of such Selectmen they may for any estate so concealed and not given in upon discovery of the fraud rate such person in all taxes of that year four times as much as such estate if given in by the owner would by law have been rated or taxed—

And be it further enacted that the Selectmen be and they hereby are empowered to abate any taxes as well those assessed by their predecessors as by themselves of any person applying for the same provided sufficient reason for such abatement be shewn and if the selectmen deny or refuse to make such abatement the person conceiving himself aggrieved by any tax or assessment may apply by way of petition, except in the case before mentioned, to the Court of General Sessions of the peace in the same County who are hereby empowered to make such order on the premises as Justice may require provided that such application be made within nine months after such person shall have been notified of such assessment and requested to pay the same And provided always that the Court of General Sessions of the peace shall not have power to abate any taxes except as to such articles and matters as the selectmen having the power of valuing shall in the judgment of said Court have over valued—

And be it further enacted that if the Selectmen of any Town in this State having received the State Treasurer's warrant requiring them to assess any sum or sums of money on the polls and estates within their respective towns shall neglect to assess the same within the time in the manner and according to the directions given in such warrants the same being agreeable to law the persons and estates of such Selectmen shall be liable and hereby are subjected to be taken in execution for the same to be issued served and executed in all respects as the law prescribes in the case of neglect of Collectors in paying the sums contained in their lists and the said treasurers are hereby authorised and empowered to issue their executions against such Selectmen accordingly and such Selectmen shall have no remedy against the Inhabitants of such town for any thing except the sum mentioned in the treasurers warrant when they shall have paid the same and in any suit to be brought for the recovery of the same the said Select men shall recover no costs nor any damages by reason of such Execution—

And in case the Select men shall neglect to return the name or names of the Collector or Collectors to whom they shall commit any list of State County or town Taxes to the Treasurer

of the State County or Town agreeably to the directions given them by the State treasurer County Treasurer or Towns respectively they shall be liable to executions from the said Treasurers respectively in the same manner as in cases when they neglect to make any assessment and shall have no remedy against the inhabitants of their respective Towns for any thing but the sums by them actually paid to the said Treasurers and shall recover no costs in any suit brought for the recovery of the same—And in all cases where an execution is issued against Selectmen for neglect of assessing Taxes or neglect of returning the name of the Collector the same shall be issued against the Selectmen whose duty it was to assess such tax and to return the name of such Collector and in case no estate of such Selectmen can be found whereon to levy the same and their bodies cannot be found to be imprisoned and the same shall be so returned by the Sheriff to whom the same Execution may be directed to be returned, an execution for the same sums may then be issued against the inhabitants of such town in the same manner as in the case where such inhabitants had neglected to chuse any Selectmen or assessors—

And be it further enacted that all personal estate and all buildings and real estate shall be taxed to the person claiming the same who is in the possession and actual occupancy thereof—And when the owner of any land and personal estate shall be deceased the same may be taxed to the widow any of the children, heirs or any other person who will consent to be considered as in possession thereof but if no person will consent to be taxed therefor the same shall be taxed generally to the heirs of such deceased And when any person shall be living in any house or on any farm on the first day of April and shall not be the owner thereof and shall refuse to give the same unto the selectmen as his estate the same shall be particularly described in the Tax bill as under the occupant, nameing him, on the first day of April, and the number of acres as near as may be estimated the number of the lots or such other description shall be given as the said land farm or buildings are commonly known by—And in case no person shall be in actual possession of any house which is in the judgment of the select men tenantable or any real estate improved as pasture, moing arable or otherwise and the same shall not be owned by any inhabitant or resident in such Town or parish the said house and land shall be particularly described as aforesaid and shall be taxed in such lists without mentioning the owner unless the owner thereof be known to the Select men in which case his name shall be mentioned—

And be it further enacted that the Select men shall be and hereby are impowered to assess all buildings other than such as are before mentioned and unimproved lands owned by non resident proprietors in their respective towns and places their



just proportion of the State and County taxes estimating their value as the law directs and in such lists a particular description of the number division quantity and situation of the lands so taxed shall be expressed and the name of the present owner if known otherwise the name of the original owner or person to whom the same was drawn and the proportion of each lot or division to each tax shall be set down and expressed in such list—

And be it further enacted that all rates and taxes shall be made and assessed in proportion to the amount of each persons poll and ratable estate which shall be estimated as follows (namely) all male polls from eighteen to seventy years of age ten shillings each Horses and oxen which have been wintered five winters (reckoning the winter to begin on the first day of December and to end the last day of march) at three shillings each Cows which have been wintered five winters two shillings each—Cattle and horses which have been wintered four winters one shilling and six pence each—Cattle and horses which have been wintered three winters one shilling each—Cattle and horses which have been wintered two winters six pence each—Improved lands to be estimated as follows. viz. Orchard land one shilling and six pence per acre accounting so much for an acre as will produce ten barrels of Cyder or perry one year with another—Arable land one shilling per acre accounting so much for an acre as will produce one year with another twenty five bushels of indian corn or other grain equivalent—Mowing land one shilling per acre accounting so much land as will produce one year with another one ton of english hay or other hay equivalent to be one acre—Pasture land at five pence per acre accounting so much as will summer a Cow to be four acres—All mills wharves and ferries to be estimated at one twelvth part of their neat yearly income And all other buildings and the unimproved lands owned by the Inhabitants and non residents to be estimated at the rate of half of one per cent of the real value thereof. All stock or property whether of a Tanner Currier Blacksmith or other Tradesman employed in the business of their trade and all stock whether money or goods improved in trade or merchandize shall be estimated at three quarters of one percent of the value thereof more than the owner gives interest for excepting what is due on public secutities of this State Money on hand or at interest shall be estimated at three quarters of one per Cent—

And be it further enacted that when any alteration shall be made in the mode of estimating polls and estate the same shall be expressed in the warrant of the State Treasurer for raising the next State Tax there afterwards—

## [CHAPTER 44.]

*State of  
New Hampshire.* }

## AN ACT PRESCRIBING THE DUTY AND REGULATING THE OFFICE OF SHERIFF—

[Passed February 8, 1791. Original Acts, vol. 12, p. 67; recorded Acts, vol. 6, p. 219. Laws, 1792 ed., p. 145.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Sheriff of each County in this State shall have power to appoint a deputy or deputies under him for whose conduct in office he shall be accountable and shall by himself or deputy serve and execute within his County all writs and precepts to him directed issuing from lawful authority—

And be it further enacted that the Sheriff of each County shall have the custody rule keeping and charge of the Goal or Goals in his County and prisoners therein and shall keep the same either by himself or his deputy for whom he shall be answerable and shall give sufficient security in a sum not exceeding three thousand pounds nor less than one thousand pounds to the acceptance of the Justices of the Court of common pleas in the same County to the Treasurer of this State for the time being for the faithful performance of the duties of his office in all parts thereof and no Sheriff hereafter to be appointed shall be considered as qualified to perform the duties of his office untill he shall have given such security as aforesaid—

And be it further enacted that if any Sheriff deputy Sheriff or Constable shall neglect to serve any precept issuing from Lawful authority directed unto such Sheriff deputy Sheriff or Constable and delivered unto him to serve and execute having in all civil causes tendered unto him his legal fees for serving and executing the same every such Sheriff deputy Sheriff or Constable shall forfeit and pay the sum of ten pounds to any person who will sue for the same or in case of neglect of any person to sue therefor within three months after such default or neglect of duty of such Sheriff deputy Sheriff or Constable then the same may be recovered by indictment at any time within one year thereafterwards in which case the whole fine or forfeiture before mentioned shall be for the use of the County—

And be it further enacted that every Sheriff deputy Sheriff or other officer in the execution of his office for the preservation of the peace or for apprehending or securing any person or persons for violating the same or for any other criminal matter or cause be and hereby are empowered to require suitable aid and assistance in the execution of his said office And if any

person when so required shall neglect or refuse to give such aid and assistance such person on conviction thereof before any Justice of the peace shall be fined to the use of the Town where the offence is committed a sum not exceeding forty shillings and if unable to pay shall be set in the stocks not exceeding four hours.

And be it further enacted that if any person not being a Sheriff deputy Sheriff or other officer whose duty it is to keep the peace or apprehend persons for violating the same shall falsely pretend to be any or either of said Officers and shall presume to act as such or to require any other person or persons to aid or assist him in any matter or thing belonging to the duty of a Sheriff deputy Sheriff or other such Officer so assumed as aforesaid he shall upon conviction for any such offence forfeit and pay a fine not exceeding one hundred pounds according to the nature and circumstances of his offence at the discretion of the Court before whom the Conviction shall be one moiety of which fine shall be to the use of the County in which the offence is committed and the other moiety to him or them who will sue for the same in any Court of Common pleas—

And be it further enacted that the Sheriffs of the respective Counties in this State shall be accountable to the Treasurer of this State and the Treasurers of the respective Counties for all fines and forfeitures set and imposed by the Court of General Sessions of the peace and the Superior Court of Judicature accruing to the said State and the several Counties respectively And the said Sheriff shall immediately on the receipt of such fine or forfeiture or immediately upon his voluntarily or negligently permitting any prisoner on whom the same was set or imposed to escape pay the same when for the use of said State to the Treasurer thereof and when for the use of any County to the Treasurer thereof and upon his neglect or refusal so to do he shall forfeit and pay treble the amount of such fine or forfeiture on action brough by the Treasurer to whom the same was payable with double costs of suit and such neglect of payment notwithstanding such recovery by action shall be considered as a good ground of removal of such Sheriff from office And the Clerks of the respective Courts shall immediately upon the rising of each of the said Courts make out a list and attest the same of all such fines and forfeitures and deliver the same to the Sheriff and a like attested list to each of said Treasurers of the fines and forfeitures to them respectively payable and when it shall appear to the Court of General Sessions of the peace in any County that the fine forfeiture or costs for which any person shall be committed to the custody of the Sheriff hath not and cannot be recovered of such person they shall certify the respective Treasurers thereof and such certificate shall bar any prosecution therefor by either of said Treasurers

and if any Clerk shall neglect his duty herein he shall forfeit the sum of five pounds to any person who will sue for the same in any Court of Common pleas to the sole use of the person suing—

And be it further enacted that the Sheriff of each County shall annually lay before the Justices of the Court of General Sessions of the peace his account for all services done by himself or deputies for dispersing venuries proclamations and for all other services by law to be paid out of the County Treasury And such allowance shall be made him as Justice may require and no account for any service of any Sheriff or deputy Sheriff after the passing of this act shall be considered as good against the County unless the account of such service be presented within one year from the time of performing said services provided the Court of General Sessions of the peace shall have been open to receive the same—

And be it further enacted that if any Sheriff or deputy Sheriff shall on demand made refuse to pay the Creditor in any execution all such sums of money as the said Sheriff or deputy shall have received on such execution he shall forfeit and pay the person to whose use he received such money five times the lawful interest thereof so long as he shall detain the same after demand made—

And be it further enacted that no Sheriff or deputy Sheriff shall be suffered to appear in any Court or before any Justice of the peace as attorney to any party in a suit nor shall any Sheriff or his deputy be allowed to make any process draw any writ or declaration or make any plea for any other person and all such acts done by either of them shall be void—

And be it further enacted that when judgment shall be rendered against any person holding the office of Sheriff either in his official or private capacity for any sum of money the execution thereon shall be against his goods chattels and lands but not against his body and if such execution be returned unsatisfied the creditor may file such execution and the return thereon with the Secretary of the State who shall thereupon issue a notification to said Sheriff informing him thereof and of the day when the same was filed and if such execution remain six months unsatisfied after such Notification is served on said Sheriff the President and Council shall forthwith remove such Sheriff from his office And when any Sheriff shall be removed from his office Execution may then issue against his goods lands and body as in other cases—

And when any Sheriff is removed from office he shall and may execute all precepts in his hand at the time of such removal from office—

And be it further Enacted that any Sheriff though removed from office shall have the custody of all prisoners and the keep-

ing of the Goal untill another Sheriff be appointed and qualified as the law directs and every Sheriff so removed shall deliver over to his successor all such prisoners—

[CHAPTER 45.]

*State of  
New Hampshire.* }

AN ACT ESTABLISHING FORMS OF OATHS.—

[Passed February 8, 1791. Original Acts, vol. 12, p. 68; recorded Acts, vol. 6, p. 223. Laws, 1792 ed., p. 97.]

Be it enacted by the Senate & house of Representatives in General Court convened that the forms of oaths in this Act prescribed be and hereby are established to be used and administered unto the Officers and Persons herein after mentioned—  
Namely—

GRAND JURORS OATH.—

You as grand Jurors for the body of this County do solemnly swear that you will diligently enquire and a true presentment make of all such matters and things as shall be given you in charge—the State's Counsel, your fellows and your own you shall keep secret—you shall present no man for envy, hatred or malice, neither shall you leave any unrepresented for love, fear, favor affection or hope of reward, but you shall present things truly as they come to your knowledge according to the best of your understanding—So help you God.—

PETIT JURORS OATH IN CRIMINAL CAUSES.—

You solemnly swear that you will well & truly try and true deliverance make between the State of New Hampshire and the prisoner at the bar whom you shall have in charge according to law and the evidence given you. So help you God.—

PETIT JURORS OATH IN CIVIL CAUSES.—

You swear that in all causes betwixt party and party that shall be committed unto you you will give a true Verdict according to Law and the evidence given you.

So help you God.

FORM OF AN OATH TO BE ADMINISTERED TO ANY TOWN  
OFFICER.—

You do solemnly swear that you will faithfully and impartially discharge & perform all the duties incumbent on you as a according to the best of your abilities agreeably to the Rules and regulations of the Constitution and laws of the State of New Hampshire—

So help you God.—

And be it further enacted That if any person to whom it may be necessary to administer an oath shall be of the Denomination of the people called Quakers or shall be scrupulous of swearing

and shall decline taking the oath in the ordinary way the person whose duty it may be to administer any oath to any such person shall omit the word "swear" using instead thereof the word "affirm" and shall omit the words "So help you God" using instead thereof the words "This you do under the pains and penalties of perjury"—

And be it further enacted That no other ceremony shall be deemed necessary in swearing than holding up the right hand.—

And be it further enacted—That the persons in giving testimony who affirm shall in case of wilful falsehood on conviction undergo the same punishment as is prescribed by law in the Case of wilful perjury.—

### [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR THE TAKING OF AFFIDAVITS OUT OF COURT.—

[Passed February 9, 1791. Original Acts, vol. 12, p. 69; recorded Acts, vol. 6, p. 225. Laws, 1792 ed., p. 101. See additional act of June 18, 1807. *Hayward v. Barron*, 38 N. H., 368; *B. C. & M. R. R. v. State*, 75 N. H. 518.]

Be it enacted by the Senate & house of Representatives in General Court convened that in the trial of all civil Causes when witnesses in any such Cause are bound to Sea, are old and infirm are sick and unable to appear at Court or live more than ten miles from the place of trial their Depositions may be taken by a Justice of the peace, Provided that if the Adverse party live within this State, or if not living within this State but shall live within twenty miles of the place of Caption or within the like distance from the party proposing to take any such affidavits, a reasonable time previous to the taking such deposition a notification in writing signed by the Justice shall be delivered to such adverse party or left at his usual place of abode and in such notification shall be expressed the day, hour & place of taking the same—

And every such witness shall be sworn to testify the whole truth and nothing but the truth—and the Justice shall attest the same with the time of the Caption, and that the adverse party was present or not present, notified or not notified and if present did or did not object as the Case may be and shall also certify the cause of taking such Deposition, and shall seal up the said deposition and it shall be so delivered into Court or otherwise the Justice shall deliver the same with his own hand to the Court.—

And be it further enacted that no person interested in any suit or Cause shall write the Testimony of any such witness nor

shall any Attorney write the Testimony of any witness in his Client's cause.

And be it further enacted That all affidavits relating to the possession of any houses lands or tenements or relating to any other matter in perpetuam rei memoriam or in perpetual remembrance of such transaction or thing shall be made & taken before some Court of Record or before any two Justices of the peace one of whom shall be of the Quorum.

And such Affidavit being recorded in the Rigistry of Deeds (which in case such deposition relate to any real Estate shall always be the Rigistry of Deeds in the County where such real Estate lies) a Copy of such Record (the original being lost) may be read in evidence in any Court as occasion may require in such Cases where the original might lawfully be admitted.—

## [CHAPTER 47.]

*State of  
New Hampshire.* }

### AN ACT REGULATING FEES.—

[Passed February 9, 1791. Original Acts, vol. 12, p. 70; recorded Acts, vol. 6, p. 226. Laws, 1792 ed., p. 110. Repealed by act of December 16, 1796.]

Be it enacted by the Senate and house of Representatives in General Court convened that the fees of the several officers and other persons herein after mentioned shall be as follows—viz.—

#### FEES OF THE JUSTICES OF THE PEACE IN CIVIL CAUSES—

For every Writ of Summons or Writ of Attachment with summons one shilling—

For every Writ of sub pena six pence.—

For the entry of every action or Complaint including filing the papers, entering judgment and appearance and recording three shillings & four pence—

For every Execution one shilling—

For granting an appeal one shilling.—

For entering satisfaction of a judgment on record six pence.—

For taking affidavits out of Court two shillings for swearing each witness and making the caption and one shilling for writing each page of the deposition; and for the Justice's travel to swear witnesses at the rate of two shillings for every ten miles actual travel—the Justice's fees for travel and taking affidavits, and the witnesses travel and attendance shall be certified by the Justice in the affidavit otherwise the Justice shall not be allowed any thing for his fees.—

For taking affidavits in perpetuam the same fees to each Justice as for the taking of other depositions.—

For taking and certifying the acknowledgement of any deed or other instrument one shilling, but if there be more than one person who shall acknowledge the same instrument and the acknowledgement be made at different times then one shilling for each time of taking & certifying.—

For granting warrant of appraisement and swearing the appraisers one shilling and six pence.

For every actual trial upon issue joined either upon matter of law or of fact two shillings.—

For administering oaths in all other cases and certifying the same (except the oaths of office administered to town officers, and oaths administered to witnesses in the trial of causes before the Justice) one shilling.—

Fees of Justices of the peace in criminal Cases, for every warrant founded on a Complaint for any offence one shilling.—

For drawing a Complaint two shillings.—

For granting an appeal one shilling.—

For every recognizance one shilling.—

For taking bail of persons committed in criminal causes two shillings for each offender.—

For every examination two shillings.—

For every entry of a Complaint & judgment thereon two shillings & nine pence.—

For warrant of Commitment and every other warrant except those abovementioned three shillings & for every adjournment one shilling.—

In cases of forceable entry and detainer.—

The Justices for every day's attendance six Shillings each—

To the witnesses and parties the same as in other cases.—

To the Jurors two shillings p<sup>r</sup> day for their attendance and the same travel as Jurors at the Superior Court—

To the Sheriff six shillings p<sup>r</sup> day.—

#### JUSTICES FEES AT THE COURT OF GENERAL SESSIONS OF THE PEACE.—

To each Justice for each day's attendance to be paid out of the County Treasury three shillings and two pence p<sup>r</sup> mile for travel to and from Court.—

There shall be paid to the Clerk of the Court of General Sessions of the peace for the entry of every Complaint, action or petition nine shillings of which he shall pay to the County Treasurer seven shillings & eight pence.—

For every recognizance in criminal cases one shilling two thirds of which he shall pay to the County Treasurer.—

For discharging every recognizance six pence.—

For every warrant for criminals one shilling.—

For examining the grand Jurors accounts yearly and order thereon to the County Treasurer one shilling and six pence.—



For entering satisfaction of Judgment on record one shilling.—  
For a Writ of protection one shilling.—

#### FEES OF THE JUSTICES OF THE COURT OF COMMON PLEAS.—

For every action, petition or Complaint entered in the Court of Common pleas, the Justices thereof shall be paid five shillings and four pence.—

For every appeal one shilling.—

For receiving the proof of a Deed in Court one shilling.

For granting a Writ of protection one shilling.—

#### FEES OF THE CLERK OF THE COURT OF COMMON PLEAS.

For every action, petition or complaint entered in the Court of common pleas, the clerk thereof shall receive three shillings and Eight pence in full for entry, verdict, non-suit or default, Judgment, recording and every other service relative to such action, petition or complaint for which no fees are otherwise particularly prescribed by this Act The said Clerk paying thereout the Criers & sheriffs fees for default or nonsuit said sum together with five shillings and four pence for the Justices, to be paid at the time of entry.—

For a blank writ and Summons six pence.—

For a writ of protection nine pence

For each Execution one shilling

For entering satisfaction of a Judgment four pence

For entering a continuance Eight pence

For each venire to be paid out of the County Treasury three pence.—

For every writ of possession one shilling & six pence

For each writ of sub pena six pence.

#### FEES OF THE JUSTICES OF THE SUPERIOR COURT.—

For the entry of every action, petition or Complaint at the Superior Court the Justices thereof shall be paid Twelve shillings.—

For taking special bail two shillings—

For a writ of *habeas corpus* one shilling & four pence.—

For allowing a Bill of cost eight pence.—

For granting a writ of protection one shilling.—

For every deed proved in Court one shilling.—

For allowing a writ of error one shilling.—

For every acknowledgement of satisfaction of a Judgment on record one shilling.—

#### FEES OF THE CLERK OF THE SUPERIOR COURT.—

For the entry of every action or petition four shillings

For entry of a complaint for not prosecuting an appeal two shillings.—

For entering a Judgment and recording it at large two shillings.—

For a writ of review three shillings.—

For a writ of *scire facias* three shillings.—

For writ of Execution one shilling & six pence.—

For a writ of possession three shillings & six pence.—

For a writ of *habeas corpus* two shillings.—

For entering an appearance at the request of any party six pence.—

For entering a satisfaction of a judgment on Record eight pence.—

For entering a Continuance one shilling.—

For filing papers one penny half penny each.—

For certifying the proof of a Deed in Court one shilling.—

For each *venire* on certificate of the Justices of the Superior Court three pence to be paid out of the County Treasury.—

For a sub pena one shilling.—

For every recognizance one shilling.—

For every writ of protection one shilling.—

For discharging a recognizance one shilling.—

#### SHERIFF'S FEES.

For the service of a writ of Summons or *scire facias* either by reading it to the defendant or leaving a copy one shilling and four pence for each defendant.

For the service of a writ of Attachment with or without a summons one shilling & four pence for each defendant.—

For a bail bond to be paid by the person bailed one shilling.—

For the service of a writ of possession the same as for the service of the original writ on which it was obtained, with poundage for the Costs as in personal actions.—

For levying Executions in personal Actions and extents six pence on the pound for the first Twenty pounds—three pence on the pound for the second Twenty pounds—two pence on the pound for all sums between forty and an hundred pounds—and one penny on the pound for all sums above one hundred pounds. The poundage on extents to be taken in the same paper bills, notes orders or Certificates as the same Extent issued for.—

For travel, for the service of each writ, execution or extent two pence  $\frac{1}{2}$  mile, the travel to be computed from the place of service to the Office, place or Court to which the writ is returnable by the way most commonly used. And where there are several persons in the same writ, execution or extent upon whom it is served the travel shall be computed from the remotest of them and no more to be allowed for travel than if it was served only on the remotest person as aforesaid—Provided that no more than fifty miles travel shall be allowed the Sheriff or other Officer serving any writ, execution or extent in any case. The travelling fees and fees of service to be endorsed on the writ in mesne process, and no more shall be allowed in any case than is

so endorsed. And also the fees for service, poundage and travel on executions and extents shall be particularly set down and expressed thereon.

For summoning witnesses one shilling each.

For serving a writ of Execution for partition of real Estate on a Judgment of Court five shillings p<sup>r</sup> day and for travel and expences three pence p<sup>r</sup> mile.—

For every trial Eight pence to be paid with Jurors fees.

For every default four pence.

For attending the Grand Jury two shillings per day.—

For attending the petty Jury nine pence each case, to be paid with the Jury-fees

For dispersing venires three pence each—

to be paid out of the County Treasury.—

For dispersing proclamations to be paid out of the County Treasury three pence each.—

#### CORONER'S FEES.—

For serving writs the same fee for travel & service as to the Sheriff.—

For every trial where the Sheriff is concerned eight pence to be paid with the Jury fees.—

For taking an inquisition nine Shillings.

To the foreman of the Jury three Shillings & other jurors two shillings and six pence per day & one shilling for every ten miles travel.—

To the Constable his expences in summoning the Jury of Inquest and attendance four shillings per day—All fees attending any inquisition on the death of any person shall be paid out of the Estate of the deceased, and in want thereof by the County Treasurer—the same being adjusted and allowed by the Court of Sessions.—

#### CONSTABLES FEES.—

For the service of Writs, warrants & executions & for travel the same as to the Sheriff.—

#### CRIERS FEES.—

For every default or non suit eight pence.—

For every verdict to be paid with the Jury's fees eight pence.—

#### JUDGE OF PROBATE & RIGISTERS FEES.—

For granting Administration or Guardianship six shillings including the bonds, letters of Guardianship and administration whereof two thirds to the Register and if more than one minor be put under the same guardian at the same time then for every such one to the Judge six pence and to the Register one shilling—

For taking the proof of a will or codicil entering the oaths of

the witnesses and certifying the same & recording the whole if but one page Eight shillings to be equally divided between the Judge & the Rigger. If more than one page then the same for Recording every such page as in other cases to the Rigger only.

For examining accounts of Executors, Administrators or Guardians two shillings a page.—

For allowing and making a decree on such Account three shillings.—

For every allowance & confirmation of the division of any real Estate three shillings.—

For every citation one shilling to the Rigger and to the Judge one shilling.—

For every order or warrant for dividing real Estate one shilling to the Judge & two shillings to the Register.—

For every Commission to examine Claims to insolvent Estates two shillings to the Rigger and one shilling to the Judge—

For every license to sell Estate real or personal three shillings one half to the Judge and the other half to the Rigger

For making the proportion among the Creditors to an insolvent Estate to be allowed six shillings for every twenty Creditors and in that proportion for a greater number.—

To the Judge for a decree or order to the executor or administrator to pay the several creditors according to the computation and proportion aforesaid two shillings.

For a quietus one shilling to the Judge and one shilling to the Register.—

For attending a dispute concerning the right of parties in any case, and on hearing by counsel including the decree thereon three shillings to the Judge and three shillings to the Rigger.—

For granting an appeal to the supreme Court of probate and taking Bond for prosecution three shillings to be equally divided between the Judge and Rigger.

For passing an order for putting any bond in suit two shillings to be equally divided between the Judge and Rigger and three shillings for taking a Bond of indemnification one half to the Judge and the other half to the Rigger.—

#### FEES IN THE SECRETARYS OFFICE.—†

For every commission for any person to an office of profit to be paid by the person commissioned six shillings.—

For every certificate under the seal of the State three shillings.—

For every military Commission to be paid out of the public Treasury three shillings.—

For each petition of a private nature to the Gen<sup>l</sup> Court three shillings to be paid by the petitioner.—

## GOALERS FEES.—

For receiving any prisoner into custody one shilling and six pence, and the like fee for discharging the prisoner.—

For each prisoner's diet five shillings P<sup>r</sup> week.—

## GRAND JURORS FEES.—

To the grand Jurors two shillings & six pence P<sup>r</sup> day to be paid out of the County Treasury and two pence P<sup>r</sup> Mile for their travel to & from the Court.

## PETIT JURORS FEES.—

To the foreman in every Cause at the Superior Court two shillings & six pence.—

Each other Juror two shillings.—

And at the Court of Common pleas & Court of General Sessions of the peace to the foreman in each cause two shillings and to each other Juror one shilling and six pence.—

And each Juror whether grand or petit attending either of the Courts aforesaid shall be paid out of the Treasury of the County where said Court is holden two pence P<sup>r</sup> mile for his travel to and from the Court.

## PARTIES &amp; WITNESSES FEES.—

The parties and witnesses before any Justice of the peace and at any of the Courts aforesaid shall be allowed for each day's attendance one shilling & six pence, and for every ten miles' travel out & in one shilling and six pence, a ferry to be reckoned as five miles travel—

To the party for summoning witnesses the same as to the Sheriff when he does it, one shilling each witness.—

Every plaintiff in his bill of cost in cases where the defendant is defaulted never having made any appearance or defence shall be allowed no more travelling fees than for what he travels in the County where the Court is holden in the most usual way of travelling from the place where he lives to the Court—

## FEES OF THE RECORDER OF DEEDS.—

For a certificate on a Deed of the time when & the place where recorded and for every other Certificate by him made three pence.—

For examining the records at the request of any person three pence for each book examined.—

For discharging a mortgage on the record as the law directs one shilling.—

## FEES OF NOTARY PUBLIC.—

For every protest under seal six shillings.—

For every certificate under seal three shillings.—

For waiting on a person to demand payment or to witness any matter and certifying the same under seal six shillings.—

#### ATTORNEY'S FEES.—

There shall be allowed in every Bill of cost taxed for the plaintiff in the Court of Common pleas the case originating there Eight shillings, for the writ including the declaration and Attorney's fee.

And to the defendant recovering costs in said Court and the party whether plaintiff or defendant recovering Costs on an appeal from a Justice of the peace there shall be taxed six shillings and eight pence for Attorney's fee.—

There shall be allowed in every Bill of cost taxed for the Complainant or petitioner in the Court of General Sessions of the peace Eight shillings for the Complaint or petition including Attorney's fee. And when the respondent or party petitioned against recovers Costs there shall be allowed six shillings and eight pence as Attorney's fee.—

And in Case of an appeal from a Justice of the peace the party recovering Costs in the Court of General Sessions of the peace shall be entitled to six shillings and eight pence to be taxed in the Bill of Cost for Attorney's fee.—

For the party recovering a Bill of Cost at the superior Court for Attorney's fee Twelve shillings.—

For every complaint entered at the Superior Court including drawing the Complaint Eight shillings.—

Attorney's fee for drawing a writ triable before a Justice of the peace three shillings.—

Attorney's fee for pleading for a defendant before a Justice of the peace three shillings.—

Drawing a Complaint for discontinuance of an Action before a Justice of the peace three shillings.—

To the Secretary of the State, the Clerk of the Superior Court of Judicature, Clerk of the Court of common pleas and Clerk of the Court of General Sessions of the peace, Justices of the peace, Register of Deeds, Register of Probate, Town Clerks, Notaries public, Sheriffs and all other persons whose duty it may be by Law to give any Copies, or to record any proceedings other than such for which particular fees are or shall be established there shall be allowed nine pence for every page so recorded or Copied reckoning two hundred and twenty four words for a page and any part less than a page Six pence and for every Certificate on a copy of the whole case six pence.—

And be it further enacted That if any person or persons shall demand or take any greater fee or fees for any of the services mentioned in this act or any other law of this State than is herein and thereby provided and declared he or they shall forfeit and pay to the person or persons suing for the same the sum of

ten pounds for every such offence to be recovered by action of Debt in the Court of common pleas besides being liable to an Action for damages by and for the party injured to recover back the sum or sums so unlawfully taken.—

[CHAPTER 48.]

*State of  
New Hampshire.* }

AN ACT REGULATING PROCESS AND TRIALS IN CIVIL CAUSES.—

[Passed February 9, 1791. Original Acts, vol. 12, p. 71; recorded Acts, vol. 6, p. 236. Laws, 1792 ed., p. 86. See additional acts of December 11, 1792 and December 13, 1796. See Shirley, "Early Jurisprudence of New Hampshire," p. 266.]

1—Be it enacted by the Senate and house of Representatives in general court convened, that all writs and processes issuing from the superior court of Judicature, court of common pleas and court of general sessions of the peace, shall be in the name of the State of New Hampshire, shall be under the seal of the court whence they issue—shall bear test of the first Justice of the court who is not a party—and be signed by the Clerk of such court, and may be directed to the Sheriff or his deputy of any County in this State, and shall have force in any County, be obeyed and executed by any officer to whom the same shall be lawfully directed—And all original process in any of the Courts aforesaid shall be summons or attachment, and shall be made out in the forms prescribed by law—And in civil causes shall be served and executed fifteen days before the sitting of the Court to which such process is returnable, and shall be by the officer who executed the same returned to the Court from whence it issued, agreeably to the command therein given—And all writs issuing from any Justice of the peace shall be in the form by law prescribed, shall be under seal, signed by the Justice, and may be directed to the Sheriff or his deputy of the County for which such Justice is commissioned or to any of the Constables of any town in the same County—And writs for trial before any Justice of the peace shall be served and executed seven days before the day of trial and shall be returned to the Justice issuing the same.

2—And be it further enacted—That all writs, declarations, processes, indictments, answers, replications and entries in the several courts of Justice, and before any Justice of the peace in this State, shall be in the english tongue and no other.—

3—And be it further enacted that no summons, writ, declaration, return, process, Judgment or other proceeding in the Courts or course of Justice shall be abated arrested, quashed or reversed for any kind of circumstantial errors or mistakes or for any errors or mistakes where the person or case may be rightly

understood and intended by the Court nor through defect or want of form only, and Justices of the peace, and the Justices of the several Courts of Judicature are respectively empowered on motion made to order amendment in any of the cases aforesaid.—

4—And be it further enacted That all personal or transitory actions where both parties are inhabitants of this State may be commenced in the County wherein either of the parties to the suit may be an inhabitant and not elsewhere in this State.—

5 And be it further enacted—That if any person shall cause process to be served upon another for any matter or cause and shall neglect to enter his said process before the Justice or at the Court to which the same is returnable, according to law—the said Justice and the several Courts of Judicature are respectively empowered upon Complaint to tax Costs for the defendant and to issue execution therefor and if the Plaintiff after the entry of any Action shall become non-suit the defendant shall be allowed his reasonable Costs.—

6 And be it further enacted—that when any defendant shall be duly served with process and return thereof shall be made unto the Justice or unto the Court to which the same is returnable—And such defendant shall not appear by himself or his attorney, his default shall be recorded, and the charge in the declaration shall be taken & deemed to be true, and the Justice and the Courts respectively shall thereupon give judgment for such damages as they shall find upon enquiry that the Plaintiff hath sustained.—

Provided nevertheless that if the defendant shall after such default is recorded and before the Jury attending the same Court when and where such default was made, shall have been dismissed, or in case such default was made before any Justice of the peace, then before the Justice, the plaintiff and his witnesses shall have dispersed come into Court and request that the default may be taken off, and that he may have his day in Court, the same shall be granted unto him, upon his paying unto the adverse party the Cost that shall then have arisen, or so much thereof as the Court of Justice shall judge reasonable.

7. And be it further enacted—That all original writs, issuing out of the superior Court of Judicature or the Court of common pleas shall before they are served be endorsed on the back thereof near the bottom by & with the name of the plaintiff if he be an inhabitant of this State, or in like manner by his agent or attorney being an inhabitant of this State—And where the plaintiff is not an inhabitant of this State, then the writ shall be endorsed in the manner aforesaid by some responsible person who is an inhabitant of this State—And the plaintiff's agent or attorney who shall so endorse his name as aforesaid shall be liable in case of the plaintiff's living out of the State or upon the



neglect, inability or avoidance of the plaintiff and return of *non est inventus* or that such execution as may have issued against the plaintiff is unsatisfied to pay the defendant all such Costs as he shall recover and to pay all prison charges that may happen where the plaintiff shall not support his action on *scire facias* to be brought against such endorser within one year from the time of rendering judgment against the plaintiff and not afterwards.—

8—And be it further enacted That all writs of summons, *scire facias* and writs of dower shall be served by reading the same to the defendant or by leaving an attested copy thereof with a copy of the service endorsed thereon at the last and usual place of such defendant's abode—and a copy of the writ of Dower shall also be left with the tenant or occupant of the land whereof dower is demanded, and when the goods or estate of any person shall be attached at the suit of another in any civil action a summons in form of law as is prescribed shall be delivered to the party whose goods or estate are attached or left at his or her dwelling house or last and usual place of abode fifteen days before the day of the sitting of the Court to which such writ of attachment is returnable and all such summonses shall set forth the sum in the note or bond declared on with the endorsements thereon, with the dates thereof—the amount of the account annexed to the writ or declared on, the quantity of land in ejectment—in covenant what sum in damages is demanded, and for what and in all cases shall briefly give the same information to the defendant which the declaration gives more at large, and shall contain the substance thereof and the officer serving or leaving such summons shall also endorse his name before he leaves it on the back thereof, otherwise the writ shall abate.

And in case the defendant at the time of the service of any writ be not an inhabitant or resident in this State and the writ be not served on him in person but the defendant's goods or estate within this State are attached, then an attested copy of the writ and a particular description of the lands or goods attached thereby shall be given to the defendant or left at his last and usual place of abode, and the giving or leaving such copy shall be certified by the officer who made the attachment, or by some officer proper to execute the same in the State where the defendant lives or by some other person, and affidavit thereof made, or such copy may be left with the defendant's agent lawfully authorized to appear for him or with the defendant's Tenant living on or near the land attached.

9—And be it further enacted That no person imprisoned upon mesne process shall be holden in prison upon or by virtue of such process after judgment shall be rendered on such process on which such prisoner may have execution against the plaintiff or above the space of thirty days next after judgment shall be

rendered thereon, upon which the Creditor may have execution. Nor shall the prison keeper discharge a person committed on mesne process where judgment shall be given on such mesne process for the plaintiff on which execution may be taken out, until the expiration of thirty days from the time of rendering such judgment as aforesaid, that the Creditor may if he please take his body in execution unless the Creditor shall by writing under his hand order the prison keeper sooner to discharge such prisoner.—And all goods or estate attached to respond the judgment that may be given in any suit shall not be released or discharged from such attachment until the expiration of thirty days next after the rendering of such judgment on which the plaintiff may have execution, or until judgment be rendered thereon for the defendant upon which he may have execution against the plaintiff to the intent that the plaintiff may levy his execution on the same goods or estate, unless such judgment shall be sooner otherwise satisfied.—

10—And be it further enacted That in all cases where an appeal is claimed and allowed the appellant shall produce and give in to the Court appealed unto attested copies of the Writ, judgment and all the papers and evidence used & filed in the cause at the Court or before the Justice appealed from—And each party on the trial of an appeal shall be allowed the benefit of any new and further evidence, and the appellant shall pay the entry and Jury fees at the Court appealed to, and if any such appellant shall neglect to enter his appeal at the Court appealed to, the Justices of the last mentioned Court shall on complaint made by the appellee affirm the former judgment in whole or in part in case the same was on demurrer as to them may seem just & reasonable with additional damages not exceeding the lawful Interest and costs, and in case the appellant shall not produce an attested Copy of the case as aforesaid, or shall not before the cause is committed to the Jury secure the payment of the Jury fees to the satisfaction of the Court or Sheriff he shall become non suit and costs shall be taxed for the appellee—

11—And be it further enacted That the several Courts before-mentioned & Justices of the peace respectively be and hereby are empowered to issue execution in form by law prescribed on every judgment by them respectively rendered, where no appeal is by law allowed, or where no appeal hath been nor can be by law claimed or granted.

Provided always that no execution shall in any case issue until the expiration of twenty four hours next after rendering judgment, nor then unless the right of appeal hath expired.—

12 And be it further enacted that every action tried in the Court of common pleas which originated before a Justice of the peace and came up to said Court by way of appeal—And every

action tried in the Superior Court of Judicature where the cause originated at the Court of common pleas may be reviewed in the Courts respectively where final judgment was rendered. And the party bringing such action of review shall produce in Court attested Copies of the writ, judgment and all papers used and filed at the former Trial—And either party may offer any new or further evidence, and when either party shall bring forward such action of review the whole cause shall be tried in the same manner as if no Judgment had been given thereon, and the former judgment may be reversed in whole or in part, or greater damages, or less, or no damages may be given as the merits of the cause upon law and the evidence shall appear to require in the same manner as if both parties had brought their several writs of review—And such Actions shall be tried on the pleas made upon the former Trial upon record.

Provided no action of review shall be brought after the expiration of three years from the time of rendering the judgment to be reviewed—Saving unto any Infant, feme coverts, person *non compos mentis*, person imprisoned; in captivity or out of the United States of America the right of such review any time within three years after such disability shall be removed—And provided also—That no action of review shall be brought whereby any particular Statute in any particular Case the liberty of review shall be expressly taken away—

13—And be it further enacted That Execution shall not be stayed for or by reason of any process of review.—

14—And be it further enacted—That where any party shall be desirous of reviewing any action, and the other party shall not be an inhabitant of this State the writ may be served upon the agent or attorney who endorsed the original writ if such absent party was originally plaintiff, or in case such party was originally defendant, then on the Attorney who appeared for said defendant at the trial where the judgment reviewed was rendered or shall cause a copy of the review to be served on the adverse party, though out of the State and affidavit thereof made—And in cases where personal notice is not given the court may continue the cause one or more terms in order that the party may have notice of the suit—And such writ of review shall be served by reading the same to the party or to the agent or Attorney as aforesaid or by leaving an attested Copy as in other Cases, whether there be one or more plaintiffs or defendants.—

15 And be it further enacted—That no Justice of the Court of Common pleas, General Sessions of the peace, or Superior Court of Judicature, shall sit in the trial of any cause on the appeal which he hath before tried at the Court appealed from, nor shall he be admitted as an Attorney to plead or defend any cause in which he hath acted as a Judge—nor shall any man sit

as a Judge in any cause where he hath been concerned as a party or an Attorney.—

16 And be it further enacted That when on a plea in abatement the judgment of the Justice or of the Court of Common pleas as the case may be, shall be that the writ abate and the same judgment be appealed from and the Court appealed to, shou'd reverse the said judgment, the said last mentioned Court shall award the appellant his full Costs at both Courts and issue Execution therefor, and in case the same Action was originally commenced before a Justice of the peace the plaintiff may cause the defendant to be served with the same process and may proceed to trial, on the merits before the Justice at a day by the said Justice appointed, and any attachment made on the original writ in case the process is renewed at any time within three months from the judgment of reversal as aforesaid, shall be and remain good—And in case the same action were originally commenced at the Court of Common pleas, the said Court of Common pleas shall at the next term thereof the plaintiff entering the action anew, proceed without any further notice to the defendant, in the same manner as though no such appeal had been granted—And any attachment made or bail given in the same writ, shall in such case be liable and equally responsible as though no such appeal had been allowed or interlocutory judgment given.—

17 And be it further enacted—That when a suit shall be brought against a person who is not an inhabitant or resident in this State and no personal service be made on the defendant, or when the person against whom any suit is brought shall be absent from this State, at the time of commencing such suit and shall not have returned at the time appointed for trial, the Justices of the Court before whom such suit is, shall continue the Action to the next term—And if the defendant doth not appear at the next Term by himself or Attorney the Court shall further continue the Action to the next Term unless the Plaintiff shall produce evidence sufficient to satisfy the Court that the Defendant hath had notice of the suit or process a sufficient time before such Term to have appeared at said Court, & in all such cases where judgment is entered up by default after two Continuances as aforesaid and no Notice proved as aforesaid the proof of which notice shall always be in writing and filed in the Cause, execution or writ of seizen shall not issue until the plaintiff or demandant shall have given bond with sufficient surety in double the value of the estate or sum recovered by such judgment, to respond the judgment that may be rendered on action of review brought to reverse such original judgment which action may be brought by the defendant at any time within one year next after the rendering such original Judgment, and such plaintiff in review may have the benefit of all pleas

and advantages that he might have had, had he appeared and pleaded to the original suit, the default notwithstanding.

Provided always that if the Plaintiff in such original suit shall consent to have the action continued from term to term six terms from the Commencement of the suit without any Costs after the second term, except for the Court or Clerk's fees he shall not be obliged to give any such bond and the defendant shall not be entitled to any review.—

18—And be it further enacted, That no person against whom any action of ejectment or trespass and ejectment shall be brought in this State, shall be held to special bail, but his or her own bail shall be deemed sufficient, and in any such action the writ shall not be abated because all the Tenants are not sued, but those on whom the Writ may be served shall answer for such part of the premises demanded as he, she or they claim which the defendant or defendants shall distinguish & set forth in their plea and disclaim the remainder and if any shall disclaim the whole unless the plaintiff shall prove such disclaimer's possession of all or part of the premises demanded such disclaimer shall recover Costs against the plaintiff—

19—And be it further enacted—That in case of the death of either party appellant or appellee before the sitting of the Court appealed to or where any Action is or shall be pending in any Court of Common pleas, or Superior Court of Judicature in this State—and either party die before final judgment the action or suit shall not thereby be abated, but the executor or administrator of such deceased party in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit, action or appeal to final judgment and execution, and the defendant or defendants are hereby obliged to answer thereto accordingly. And the Court before whom such cause may be is hereby empowered and directed to hear and determine the same and to render judgment for or against the Executor or Administrator in the same manner as though the Action had been originally brought by or against such Executor or Administrator, and if the Executor or Administrator of a deceased party having been duly served with a *scire facias* from the office of the Clerk of the Court where the suit is pending fifteen days before the sitting of the Court to which the same is returnable shall neglect or refuse to become a party to the suit, the Court may render judgment against the Estate of the deceased party in the same manner as if the Executor or Administrator had voluntarily made himself a party to the suit, and in all cases where an Executor or Administrator shall become a party to such suit he shall on motion to the Court be entitled to one continuance of course—

20—And be it further enacted That if there be two or more plaintiffs or defendants and one or more of them shall die, if

the cause of action shall survive to the surviving plaintiff or plaintiffs against the surviving defendant or defendants the Writ or action shall not thereby be abated, but such death being suggested upon the record the action shall proceed at the suit of the surviving Plaintiff or plaintiffs, against the surviving defendant or defendants.—And in all Cases where any party shall die, and the cause of action doth survive and is prosecuted by or against the Executors or Administrators the attachment made on the original Writ shall be and remain good in the same manner as though such party had not died.—

21—And be it further enacted That where any person shall commence an Action on any Judgment obtained before any Justice of the peace or in any Court of Common pleas, or in any Superior Court of Judicature in this State upon which Execution might at the time of Commencing such Action of debt have issued if the Court or Justice before whom such Action is brought shall be of opinion that such Action is brought to vex and harrass the defendant & debtor, and with design to encrease the Costs and that the plaintiff or creditor might have availed himself of an execution on the same judgment in a manner equally advantageous for obtaining his demand of his debtor as that of a new suit on the same Judgment, then and in every such case the Court or Justice before whom any such Action may be brought, shall not render Judgment for Costs in any such suit in favor of the Plaintiff or Creditor.—

22—And be it further enacted—That the Clerks of the several Judicial Courts in this State be and they hereby are empowered respectively to grant summons for witnesses in all causes pending in their respective Courts the summons to be directed to the person to be summoned, and to be made out in the form by law prescribed.—And every Justice of the peace is hereby empowered to grant summons for witnesses in all causes triable or pending in any Court of law or equity in this State, and in all matters and causes before the general Court and in all causes pending or triable before himself or any other Justice of the peace or in matters triable before referees or arbitrators and to grant summons for witnesses to appear before him at a certain time and place to give a deposition in any matter or cause where the same may be lawfully taken—such summons to be similar to that to be granted by the Clerks of the several Courts and shall be directed to the person to be summoned as aforesaid—

23—And be it further enacted—That if any person served with lawful process or summons before any Court, Justice or Referees to testify or give a deposition in any case where the same may be lawfully taken and having tendered unto him or her the fees by law established for the travel of a witness from the place where such witness lives or resides to and from the Court or place where such Witness is required to appear and testify

or give a deposition as aforesaid—and also the fees for one day's attendance, and that the end of every day the fees for the next day's, attendance, if such attendance is required, if any such witness shall neglect to attend and give his attendance as long as the same shall be necessary for the purpose for which he was summoned or refuse to testify and give his deposition, if so required, and such witness having no reasonable excuse for such neglect or refusal, every such witness so making the fault or refusal shall be liable to the action of the aggrieved party for all damages such party shall sustain by such default or refusal and the Court before whom any witness is required to appear and testify and every Justice of the peace before whom any witness is required to appear and testify, are hereby respectively empowered to bring any witness, having been duly and lawfully summoned neglecting or refusing to appear and testify, by attachment, and if upon examination it shall appear to such Court or such Justice that such witness had no reasonable excuse for such neglect or refusal to fine him for such neglect or refusal the fine imposed by any Court of Judicature not to exceed Ten pounds, and the fine imposed by any Justice of the peace not to exceed forty shillings, and the court & Justice respectively may order him to pay the Costs of Attachment.—

## [CHAPTER 49.]

*State of  
New Hampshire.* }

## AN ACT REGULATING POUNDS.

[Passed February 9, 1791. Original Acts, vol. 12, p. 72; recorded Acts, vol. 6, p. 247. Laws, 1792 ed., p. 291. See additional act of December 16, 1797.]

Be it enacted by the Senate and house of Representatives in General Court convened that there shall be made & maintained in every town in this State in some convenient place a good and sufficient pound to be built & maintained at the expence of such town for the impounding and restraining of all swine, cattle, sheep or other creatures liable to be impounded or restrained.—

And if any town shall not be provided with such pound within two years from the passing of this Act they shall forfeit and pay to any person who will sue for the same the sum of ten pounds and the same sum for every year afterwards that they shall be destitute of such pound and may on indictment be fined in a sum not exceeding five pounds in either of the Cases aforesaid to the use of the County in which such Town lies.—And where any Town or place shall not have such pound any person desir-

ous of impounding any creatures doing damage or otherwise liable to be impounded may impound them in his own barn or other inclosure taking care immediately to notify the owner and all concerned of the place where and the cause for which they are impounded—

And be it further enacted that it shall and may be lawful for any person to impound any swine, neat cattle, horses, sheep or other creatures that shall be found damage feasant or doing damage in his inclosure swine found in the high way or on any common land in any town or place unyoked or unringed as the law requires, any neat cattle, horses, sheep, or other creatures going on any Common land in any town or place, not allowed to feed there by the Town or major part of the proprietors of such common land who may permit the same, and the fees to be paid to the pound keeper shall be three pence per head for every creature impounded except Sheep for which the fees shall be one penny  $\frac{1}{2}$  head including the putting in and letting out and the fee to the person impounding shall be four pence  $\frac{1}{2}$  mile for travel from the place where the creatures impounded are found doing damage or otherwise liable to be impounded, to the pound, and two pence  $\frac{1}{2}$  head for driving if more than one mile otherwise one penny  $\frac{1}{2}$  head and the sum to be allowed for sustenance of the creatures impounded shall be for cattle & horses above one year old six pence  $\frac{1}{2}$  day each, for cattle and horses under that age and for all other creatures two pence  $\frac{1}{2}$  day each. And it shall be the duty of the pound keeper when there is any such, otherwise the duty of the person impounding to cause the creatures impounded to be relieved with meat and drink suitable for such creatures, and upon neglect such person shall be liable to an action by the owner of the cattle for all damage sustained thereby—And the person impounding any creatures shall leave with the pound keeper in writing an estimate of the damage sustained & done by the creatures impounded and the amount of his fees and charges incurred—And if he shall know the owner of the creatures impounded or the person who has had them last in possession or keeping he shall within twenty four hours from the time of impounding cause to be delivered to the owner thereof in person or cause to be left at the last and usual place of the abode of such person, a notification in writing which shall certify the owner of the damage done—describe the creatures that did it—the time when and the place where the same was done—and the sum at which he estimates such damage, and the amount of such charges and fees as have already accrued—And the person notifying shall be allowed one shilling & six pence therefor, and two pence  $\frac{1}{2}$  mile for travel from the pound to the place where such notification shall be given or left as aforesaid—And the owner or claimant of such creatures if he will pay the damages



done and the charges incurred therein to the person impounding or to the pound keeper, the pound keeper or person impounding shall immediately release the creatures impounded. But if the owner of the creatures impounded shall refuse to pay the sum at which the party conceiving himself injured by such creatures has estimated the same damage; then the person impounding may, and upon his neglect the owner may apply to some Justice of the peace in the same or in an adjoining Town who shall immediately notify the party to appear before him at such time and place as the said Justice shall appoint, which to prevent expence to the parties litigant, shall be as soon as possible and upon his attendance at the time, or in case he shou'd refuse to attend, in either case the said Justice shall nominate, and, after hearing the objections of the parties present, shall appoint one or more person or persons indifferent between the parties not exceeding three, to appraise the damage done by such creatures; and the persons so appointed shall repair to the place where the supposed trespass was committed and having considered all the circumstances, and heard the pleas & alligations of the parties and their witnesses produced or such of the parties as may chuse to attend, the man or men so appointed by the Justice shall notify the parties of the time when he or they will attend the business, and when he or they have heard and considered the whole matter, he or they so appointed, or major part of them if more than two, shall make return in writing to the Justice either that the party has sustained damage and how much, or that such party hath sustained no damage and the report shall be final and conclusive between the parties as to the trespass for which the said creatures were impounded and upon paying the sum so assessed, and reported and the charges incurred including the fees of the Justice & the person or persons who appraised the damages to be assessed by the Justice or upon tender of the same, shall be entitled to have his creatures impounded, released from the pound. And in all Cases the owner of the creatures impounded may at any time while the creatures remain in the town replevie the same if he see cause, giving sufficient bond with good sureties in a sum equal to double the value of the creatures impounded to prosecute his replevin before a Justice of the peace, if the value of the creatures impounded exceed not the sum of forty shillings within fifteen days otherwise at the next Court of Common pleas to be holden in the same County and to pay all such damages, costs and charges as may be awarded against him.—

And be it further enacted that where the owner of any creatures lawfully impounded shall not be known the person impounding shall immeidately, or, at least, within twenty four hours after the impounding of such creatures put up a notifica-

tion at some public place in the Town where the said creatures are impounded and in two adjoining towns containing the same as before required to be left with the owners of any creatures impounded where known, and if after the space of four days from the time of impounding no owner appears, the person impounding may upon paying the pound keeper his charges for impounding and for keeping the creatures impounded take the creatures impounded out of the pound and proceed with them as strays. But if the owner though at first unknown appear, or if the owner be known, and notified as aforesaid and doth not appear, or appearing doth not replevie his creatures impounded, in every such Case at the end of four days from the time of the owner's appearing in the first case or at the end of four days from the time of his being notified as aforesaid in the latter case the creatures not being replevied but still remaining in pound, and the owner in either case not having paid or tendered to the person impounding or the pound keeper the amount of damages assessed as aforesaid and all lawful charges as aforesaid the person impounding shall if it is not done already apply to a Justice to have the damages assessed to be conducted and managed as before is directed—And the Justice shall order the creatures impounded or so many of them as may be sufficient to satisfy the damages and costs as he may think most advantageous to the owner to be sold at public auction giving the same notice as Sheriffs are obliged by law to give when they shall sell any chattles to satisfy any Execution, or he may order them to be appraised, in which case the person impounding them shall take them to his own use at the appraised value and in either case after the damages and all charges are deducted he shall pay the overplus if there be any to the owner when he appears to receive it & in case they are not all appraised or sold at auction the person impounding shall keep such creatures as remain one year for the owner who at any time within the year may have them, paying the person keeping them having respect to the risque such person runs of loosing the keeping of such creature's dying, a reasonable sum for keeping and if the owner doth not appear to demand or take them and pay the keeping as aforesaid then at the expiration of the said year they shall be the property of the said person impounding them—and in all cases the damages to be estimated to the party impounding shall only be that which hath been done by such creatures the last time of their being in the inclosure of the person impounding and not any damage the same creatures may have done at any time previous thereto.

And be it further enacted that if any person shall rescue any swine, neat cattle, horses, sheep or other creatures from the possession of any person driving, or being about to drive them to pound, the person so offending shall for every such offence

be liable to pay a fine of forty shillings besides damage to the person injured thereby—And if any person shall make any pound breach or in any way directly or indirectly convey or deliver any creatures out of any pound without lawful authority so to do he shall for every such offence forfeit and pay the sum of five pounds on indictment to be found by the grand Jury and shall also be liable to an action by the person impounding to recover all such damages as he shall have sustained by reason thereof.

And if any person convicted of either of said offences shall be unable to pay said fine and costs, the Court before whom the Conviction may be may punish such person by imprisonment not exceeding sixty days or by whipping not exceeding thirty stripes at the discretion of the Court before whom the Conviction shall be.

#### [CHAPTER 50.]

*State of  
New Hampshire.* }

#### AN ACT FOR THE RELIEF OF IDIOTS & DISTRACTED PERSONS—

[Passed February 9, 1791. Original Acts, vol. 12, p. 73; recorded Acts, vol. 6, p. 252. Laws, 1792 ed., p. 238. See act of March 21, 1776.]

Be it enacted by the Senate & House of Representatives in General Court Convened, that it shall & may be in the power of the Judge of Probate in each County, upon request made by the relations or friends of any Idiot, Non Compos, lunatic or distracted person, or the overseers of the poor in such town where the said Idiot or distracted person lives, or is an inhabitant, to direct the Selectmen of such town to make inquisition thereinto, & if the person said to be an Idiot, or distracted shall be so determined by the Judge of Probate in such County, wherein such Idiot or distracted person lives, the said Judge of Probate shall appoint some suitable person or persons to be Guardian or Guardians of such Idiot or non-compos, directing & empowering such Guardian or Guardians to take care as well of the person, as Estate both real & personal of the said Idiot or distracted person & to make a true & perfect Inventory of the said Estate to be returned to & filed in the Registers office of the Court of Probate within such County—

And be it further enacted that the Judge of Probate in each County be & hereby is fully authorized & empowered to call before him & to require & administer an oath unto any person or persons, probably suspected of making any concealment or embezzlement or conveying away any of the money, goods or Chattels of any such Idiot non compos lunatic or distracted

person as well upon the complaint of any heir creditor or other person having lawful right or claim to, or in such estate as of the said Guardian or Guardians—and in case any such suspected person was intrusted by the said Idiot, non compos lunatic or distracted person or was otherwise conversant with or near unto him at the time of his lunacy or distraction or is in possession of the estate or any part of it, whereby to strengthen & make the suspicion more violent, and shall refuse to clear & acquit him or herself upon oath it shall & may be lawful for the several Judges or Probate within this State and they are Accordingly impowered & directed to commit such person or persons so refusing to swear unto the Goal of such County to which such Judge shall belong there to remain until he or she shall comply to discharge him or herself upon oath as aforesaid or be released by consent of the Guardian or Guardians, heir creditor or other person having lawful right or claim to or in such estate as aforesaid—

And be it further enacted, that the Guardian or Guardians appointed as afores<sup>d</sup> shall improve frugally & without waste & destruction, the estate of the idiot non compos lunatic or distracted person & apply the annual profits & income thereof for the comfortable maintenance & support of the said Idiot lunatic non compos or distracted person & also of his household or family, (if any such he have) and that the said Guardian or Guardians be and hereby are impowered to settle accounts receive, (& if need be,) sue for & recover all such just debts as shall be due to the said Idiot distracted person or non compos, from any person or persons whomsoever, and to manage, improve divide or take care of the real estate of such Idiot or distracted person in as full & ample a manner, as the said persons could or might do were they restored to their right mind, and also shall be subject to the payment of all such just debts owing by such persons which were contracted before their distraction, out of the personal estate of such Idiot person, non compos or distracted, or in case that be not sufficient, then out of the real estate, being first impowered to make sale thereof or such part as is sufficient for that end, by the Justices of the Superior Court of Judicature upon application to them made therefor, who are hereby authorized & impowered to order the same and in case the said distracted persons shall come or be restored to their right mind, the residue of his or her estate both real & personal, shall be returned, to them, or to their respective heirs, executors or administrators in case of their death as the law directs—the Guardian or Guardians having first such a reasonable allowance out of the same for their charges & trouble as the Judge of probate, (having cognizance of the same,) shall order.

And be it further enacted that the Guardian or Guardians appointed as afores<sup>d</sup> shall give bond to the Judge of probate

for the time being in such county where the Idiot distracted person or noncompos shall reside, in a reasonable sum with sufficient sureties for the faithful discharge of the trust in them reposed more especially for the rendering a Just & true account of their Guardianship when & so often as they shall be thereunto required saving always the right of Appeal to the Superior Court of Judicature from the sentences & decrees of any of the said Judges of Probate made by virtue of this act

And be it further enacted that the Guardians so appointed shall have full power to defend any suit action or process that is or shall be prosecuted against any lunatic noncompos or distracted person & be pending at the time of the appointment of such Guardian, that no injury may be done to such lunatic non-compos or distracted person or his estate, nor any just & lawful creditor defrauded delayed or kept out of his just demand, and the estate of such lunatic non compos or distracted person, shall on execution be liable to be taken to satisfy the final Judgment which shall be recovered in such case, as it might if no such disability had ever happened.

#### [CHAPTER 51.]

*State of  
New Hampshire.* }

AN ACT FOR ESTABLISHING COURTS OF LAW, FOR THE ADMINISTRATION OF JUSTICE WITHIN THIS STATE; AND DESIGNATING THEIR POWERS AND REGULATING THEIR PROCEEDINGS, IN CERTAIN CASES.

[Passed February 9, 1791. Original Acts, vol. 12, p. 74; recorded Acts, vol. 6, p. 254. Laws, 1792 ed., p. 63. See acts of February 18, 1791 and December 16, 1794.]

Be it enacted, by the Senate and House of Representatives in General Court convened; that every Justice of the peace, within his County, be and hereby is authorized and empowered, to hear, try and determine, all pleas and actions, (except such wherein the title of real Estate, may be drawn in question,) where the sum demanded in damages, doth not exceed forty shillings, notwithstanding the note, account, or other contract, might originally have exceeded that sum; and to give Judgment therein. And either party aggrieved at the Judgment given by any Justice of the peace in any civil cause, may appeal therefrom, to the next Court of common pleas to be holden in the same County—

Provided, the appeal be claimed within two hours, after Judgment render'd and entered.

And be it further enacted, That when an action of Trespass, shall be brought before any Justice of the peace, and the defend-

ant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title of real Estate in question. And when in any such action, the defendant shall plead a special plea, whereby the title of real Estate, shall be drawn in question, the Justice shall record such plea; and no further proceedings shall be had thereon, before the Justice; and the plaintiff may carry an attested copy of the Writ, declaration, plea, and all other papers, filed in the same cause, to the next Court of common pleas, to be holden in the same County, and is hereby authorized and empowered, to enter in said Court his said Action, and prosecute the same to final Judgment, as in cases originally commenced at said Court of common pleas; and the Justices of said Court, are hereby empowered to take cognizance of said Action; And the defendant shall be holden by his said plea; and the proceedings subsequent thereto, shall be the same, as tho' the action had been commenced, and prosecuted so far, at said Court; And in case the plaintiff shall not enter said action at said Court, upon complaint made by the defendant, the Justices of said Court, shall allow him his full costs, both before the Justice, and at said Court.

Provided, that in case the plaintiff shall immediately on the defendant's plea being filed before the Justice as aforesaid, pray leave to become non-suit, that liberty shall be granted him by the said Justice, and costs shall be taxed for the defendant.

And be it further enacted, That every Justice of the peace, for the preservation of the peace, or upon the view of any breach of the peace, or of any other transgression of law, proper to his cognizance, done or committed, by any person or persons whatsoever, shall and hereby is authorized and empowered, in the absence of a Sherriff, Deputy Sherriff or Constable, to require any person or persons, to apprehend and bring before him, any such offender or offenders; and every person or persons, who upon being thereto required, shall neglect to obey such Justice, shall incur and suffer the like pains and penalties, as in the case of neglecting or refusing to assist Sherriffs in the execution of their offices.

And be it further enacted, That any person sentenced for any criminal offence, by one or more Justices of the peace, out of Sessions, (unless in cases where by a particular statute it is otherwise ordered and enacted,) may appeal therefrom, unto the next Court of General Sessions of the peace, to be holden in the same County; Provided, the appeal be claimed at the time of declaring sentence; and the Appellant enter into recognizance with sufficient sureties in a reasonable sum not exceeding ten Pounds, for his appearance at the Court appealed to, and to prosecute his appeal there, with effect, and to perform and abide the order or sentence of the said Court thereon, which is to be final; and in the mean time to be of good behaviour.

And be it further enacted, That every Justice of the peace, shall have power to adjourn the Trial of any civil action brought before him, to such future time as may be proper, not exceeding three Months.

And be it further enacted, That no Justice of the peace, shall be of Council, or act as an Attorney to either party, nor shall any Justice of the peace undertake to advise or assist any party in any suit or cause before him.

And be it further enacted, That when any person is brought before any Justice of the peace, to be examined or tried, for any criminal offence, by him cognizable, and Justice may require that the said examination or trial should be postponed, to some future day; the said Justice may proceed to take security by way of recognizance of the parties and witnesses, for their appearance before him on some future day, in the same manner as the Courts of General-Sessions of the peace and Superior Court of Judicature respectively by law may and can do.

And be it further enacted, That every Justice of the peace, shall, within six months after the receipt of any fine or forfeiture, set or imposed by such Justice, pay the same to the person or persons, to whom the same by law accrues or is payable, on pain of forfeiting the sum of ten pounds, for every Neglect herein, to be recovered by any person who will sue for the same, by Action, in any Court of common pleas; and shall moreover be liable to an Action, by the party to whose use the said fine or forfeiture accrued, for the amount of such fine or forfeiture, and costs.

And be it further enacted, That there shall be one Court of General Sessions of the peace within and for each respective County, in this State, to be holden by the Justices of the peace for such County, or any three of them, of whom one at least, shall be of the quorum; the said Court to be holden at such times and places, as are by law established; which said Court shall have cognizance of all matters and things proper to the Jurisdiction of said Court, relating to the conservation of the peace, and punishment of offenders, according to the law and statutes in force, within this State. And every Respondent, against whom Judgment shall be given by the Justices of the Court of General Sessions of the peace, shall have liberty to appeal therefrom, unto the next Superior Court of Judicature, to be holden in the same County, the matter being originally heard and tried in said Court of General Sessions of the peace, (except in cases, where by particular laws, an appeal is expressly disallowed.) And no appeal shall be granted unless it be claimed at the time of declaring sentence, and the appellant enter into recognizance with sureties within the space of two hours next after, in a reasonable sum, for his personal appearance at the Court appealed to, for the prosecution of his appeal there, with

effect, and to perform and abide the order or sentence of said Superior Court thereon; and to be of good behaviour in the mean time: And the party appealing is to remain in the hands or custody of an Officer until he shall have given such Security.

And be it further enacted, That the Justices of the Peace in the respective Counties in this State, at any Court of General Sessions of the peace be, and hereby are authorized and empowered to make orders for the raising any sum or sums of money that may be necessary from time to time for building or repairing Court-houses, Prisons, houses of Correction, or other public County-buildings, payment of grand Jurors, travel of petit Jurors, travel and attendance of the Justices of the Sessions, and all other County charges within each County, and to examine or allow any accounts or demands, that may be laid before them, for the ends aforesaid, and to remit any fines or forfeitures accruing to the County. And the County Treasurer shall issue his warrant for assessing, levying and collecting such sums, as shall be voted to be raised as aforesaid, which sums shall be apportioned to the several Towns and places in such County, agreeably to the proportion established for raising State Taxes, for the time being, and such Taxes shall be levied and collected in the same manner as the State Taxes, and as the law shall or may direct.

And be it further enacted, That there shall be a Court of common pleas, within each County in this State, to be holden at such times and places, as are by law appointed, by four Justices appointed and commissioned thereto, by the President and Council for the time being, any three of which Justices shall be a quorum; and the said Court, shall have cognizance of all suits, wherein the title of real estate, is concerned, and of all civil actions, of the value of more than forty shillings, arising or happening within their respective Counties, triable by common or statute laws, and shall give Judgment thereon, and issue Execution accordingly. And either party aggrieved at the Judgment, given in any Court of common pleas, in any matter or cause, originally tried there, shall have liberty to appeal therefrom, to the next Superior Court of Judicature, to be holden in the same County.—

Provided, the said appeal be claimed, whilst the said Court is sitting.

And be it further enacted, That no appeal shall, in any case be granted, where Judgment is rendered, upon default.

And be it further enacted, That there shall be a Superior Court of Judicature, within this State, to be holden at such times and places, as are or may be by law established, by a Chief Justice, and three other Justices, appointed and commissioned thereto by the President and Council, for the time being; any three of which Justices, shall be a quorum: And the said Court



shall have Jurisdiction and authority, throughout this State; and shall have all the powers and authorities, which the Superior Court of Judicature, within this State, have heretofore held and enjoyed, or by law ought to hold, and enjoy.—And the Justices of the said Court, are hereby empowered to give Judgment or sentence, and to award Execution thereon.—

And be it further enacted, that the Superior Court of Judicature, the Court of common pleas, and Court of General Sessions of the peace, shall have power and authority respectively, to adjourn their respective Courts, from time to time, as they may think proper. And one or more of said Justices being present at the place where, and the time when, the Court to which such Justice or Justices belong, is by law to be holden, may adjourn the same Court from day to day, until a quorum be convened; and when it shall so happen, that by death, sickness, or otherwise, a quorum of the respective Courts cannot attend, at the time and place, by law appointed for holding such Court; any two Justices of such Court may, by Writ, direct the Sherriff, to repair to the place where such Court is, by law to be holden, on the day appointed for holding the same, and adjourn the same Court, to some day antecedent to the next Term, and if at such adjournment, or at any adjournment, a quorum of said Court cannot attend, one or more of the Justices present, shall have power to continue all causes then pending in the same Court, to the next stated Term.—

And be it further enacted, That the Justices of the said Superior Court of Judicature, Court of common pleas and Court of General Sessions of the peace be, and hereby are respectively empowered to make necessary rules, for the more orderly practising in their respective Courts; Provided, the said rules be not repugnant to the Constitution, and laws of this State; and to appoint Clerks in their respective Courts, who shall be under Oath, for the faithful discharge of the duties of said office, and who shall hold their offices, during the pleasure of the Court.

And be it further enacted, That the Justices of the Court of common pleas, and the Justices of the Superior Court of Judicature, where the forfeiture or penalty of any obligation, with a condition underwritten, or a penalty annexed to any Articles, Agreements, Covenants, Contracts, Charter-party, or other specialty, or forfeiture or any estate, granted upon condition, executed by deed of Mortgage, or bargain and sale, with defeazance, shall be found by verdict of a Jury, or by default, or confession of the Obligor, Mortgager, or Vender, or upon demurrer, are hereby empowered and authorized respectively, to chancer such forfeiture, and to make up Judgment thereon, for the plaintiff, for such sum as is due, according to equity and good conscience; and to award Execution accordingly: But in actions upon Mortgage, or deed of bargain and sale with defeaz-

ance, the Judgment shall be conditional, that if the Mortgager or Vender, his heirs, executors or administrators, shall pay unto the Mortgagee, or Vendee, his executors, administrators or assigns, such sum as the Court shall adjudge due, within two Months from the time of entering Judgment with Interest; then the same Mortgage or Deed of Bargain and Sale, shall be void and discharged; otherwise that the Plaintiff, shall have his writ of possession.—Provided always, that when any action shall be brought and prosecuted, on any Bond or other Specialty, with penalty, for the payment of any sums of money, performance of covenants, contracts, agreements, matters or things, to be done at several times, some of which times, shall not have expired; and the Plaintiff recover the forfeiture of any such penalty, the Courts shall enter up Judgment, for the whole of such forfeiture, and award Execution, only for so much of the debt or damage, as is justly due, or sustained at that time: And the Plaintiff his executors or administrators, at any time afterwards, may have from the Court, where such Judgment was rendered, a writ of Scire-facias, against the defendant, his heirs, executors or administrators, to shew cause, why execution should not be awarded upon said Judgment, for other and further damages, by reason of the non performance or the breach of the contracts, covenants, agreements or things in such Bonds or specialties contained, and the time for the performance of which, had not elapsed, at the time of awarding Execution as aforesaid.—

And be it further enacted, That the times and places, for holding the Superior Courts of Judicature, Courts of common pleas, and Courts of General Sessions of the peace in the respective Counties, shall be as follows,

The Superior Court of Judicature shall be holden at Dover, for the County of Strafford, on the second Tuesday of April, and at a place called New Durham Gore in said County on the second Tuesday of September annually.

And, for the County of Rockingham, at Portsmouth, on the fourth Tuesday of April, and at Exeter, on the third Tuesday of September annually.

And, for the County of Hillsborough, at Amherst, on the second Tuesday of May, and the first Tuesday of October, annually.

And for the County of Cheshire, at Charlestown, on the third Tuesday of May, and at Keene, on the third Tuesday of October, annually.

And for the County of Grafton, at Plymouth, on the fourth Tuesday of May, and at Haverhill, on the fourth Tuesday of October, annually.

And the Court of common pleas, for the County of Rockingham, shall be holden at Portsmouth, on the first Tuesday of February, and the fourth Tuesday of May, and at Exeter, on

the second Tuesday of August, and the first Tuesday of November annually.

For the County of Strafford.—At Dover, on the third Tuesdays of February and June; and at said place, called New-Durham Gore, on the third Tuesdays of August and November, annually.

For the County of Hillsborough.—At Amherst on the second Tuesdays of March, June, and December, and the first Tuesday of September, annually.

For the County of Cheshire.—At Keene, on the third Tuesdays of March and June, and at Charlestown, the fourth Tuesday of September and the third Tuesday of December, annually.

For the County of Grafton.—At Plymouth, on the first Tuesdays of September and December; and at Haverhill on the first Tuesdays of March and June, annually.

The Court of General Sessions of the peace, shall be holden for the County of Rockingham,

At Portsmouth, on the second Tuesday of February, and at Exeter, on the fourth Tuesday of August, annually.

For the County of Strafford.—At Dover on the Thursday, next following the third Tuesday of February, and at said place, called New-Durham Gore, on the Thursday, next following the third Tuesday of August, annually.

For the County of Hillsborough.—At Amherst, on the Thursday next following the second Tuesday of March, and the first Tuesday of September, annually.

For the County of Cheshire.—At Keene, on the Thursday next following the third Tuesday of March; and at Charlestown, the first Thursday next following the fourth Tuesday of September, annually.

For the County of Grafton.—At Plymouth, on the Thursday next following the first Tuesday of September; and at Haverhill, on the Thursday next following the first Tuesday of March annually.

## [CHAPTER 52.]

*State of  
New Hampshire.* }

### AN ACT RELATIVE TO STRAYS AND LOST GOODS

[Passed February 9, 1791. Original Acts, vol. 12, p. 75; recorded acts, vol. 6, p. 263. Laws, 1792 ed., p. 297.]

Be it enacted by the Senate and House of Representatives in general Court convened that the Person finding any Money or Goods or finding and taking up any stray Beast whereof the Owner is not known shall within six Days from the Time

of finding or taking up as aforesaid give Notice thereof in writing to the Clerk of the Town or Place in which such Money Goods or Beast were so found or taken up and shall in such Notification particularly describe the Goods or Beasts so found or taken up and shall mention therein the amount of the Money found and the said Clerk shall enter the same in a Book to be kept by him for that purpose and the said Person finding shall also within the said Term of six Days put up a like Notification in some publick Place in said Town or Place and the said Clerk shall at three publick Meetings of such Town or Place immediately succeeding read the same Notification given to him as aforesaid publickly in the same Meeting and if the Money so found or the Value of the Goods or Beasts so found and taken up exceed Twenty Shillings the said Person finding or taking up shall also within the Time before mentioned put up a like Notification in some publick Place in each of two at least of the adjoining Towns or Places and the Persons finding or taking up any stray Beast shall also within the said Term of six Days put a With about the Neck of such stray Beast and if no Owner appeareth within one Month from the Time of notifying then the Person finding shall apply to a Justice of the Peace who shall appoint one or more Persons not exceeding three to appraise the Property so found if such Property be other than Money and the said Appraiser or Appraisers shall be sworn by the said Justice to the faithful discharge of that Duty and shall make return of such appraisement to the said Justice and if the Owner of any Money Goods or stray Beasts do not appear within one Year from the Time of the Notification being entered with the Town Clerk as aforesaid then the charges incurred by the Person finding the Justices Clerks and Appraisers fees and the keeping previous to the appraisal being adjusted & allowed by the said Justice and being deducted from the amount of the Money found or from the appraised Value of the Goods or stray Beast so found the Person so finding shall pay a Sum equal to the residue to the Treasurer or Selectmen of the Town or Place where such Money Goods or stray Beast was found to be for the Use of such Town or Place and the Person finding shall keep the Money Goods or Beast so found to his own Use but if the Owner appeareth at any Time after Notice given to the Clerk as aforesaid and shall tender to the Person finding a reasonable Sum for the keeping charges and fees incurred to be adjusted by the Justice who appointed the appraisers and in case none were appointed then by any Justice of the Peace to whom the Person finding may immediately apply or if he doth not immediately apply then to be adjusted by any Justice of the Peace to whom the Owner may apply in such Case the Owner shall be entitled to his Property again

And be it further enacted That if any Person finding any Money or Goods as aforesaid or taking up any stray Beast as aforesaid shall neglect to notify in Manner aforesaid within the Time before prescribed or shall neglect to put on the With before required to be put on and to keep on the same constantly or shall neglect to apply to a Justice of the Peace for Appraisement as aforesaid such Person so neglecting shall not be entitled to receive any Thing for his Trouble or charges in keeping or advertising or other Proceedings with such Money Goods or Strays and shall further forfeit and pay to any Person who will sue for the same the sum of ten Pounds for every such neglect or default

And be it further enacted That if the stray Beast found & proceeded with according to Law should happen to die not through carelessness or negligence of the Person finding and keeping then the Person finding if ever he should discover the Owner of such stray Beast shall be entitled to recover against him all such reasonable Costs and Charges as he may have been at before the Death of such Creature

And be it further enacted That if any Clerk shall omit to do the Duty enjoined upon him by this Act he shall forfeit and pay to any Person who will sue for the same the sum of ten Pounds to the Use of the Person suing and if any Person shall take down any Notification set up as aforesaid untill the expiration of one Year from the Time of setting up the same or untill the Purpose for which such Notification was set up shall have been fully answered or if any Person shall take off the With to be put on stray Beasts as aforesaid during the Time in which the same ought to remain on such stray Beast every Person so offending in either of the Cases aforesaid shall forfeit and pay to any Person who will sue for the same to his use the sum of two Pounds

And be it further enacted That no Person shall from the first Day of April to the first Day of November Yearly take up any Horse or other Beast for a Stray or proceed with them as such within said Term though the Owners be not known unless such Beast be taken damage feasant or doing damage in some inclosure.

And be it further enacted That the Fees for notifying the Clerk shall be one shilling and six pence and one shilling and six pence for every Advertisement posted up and if in an adjacent Town it shall be two shillings and six pence and the Clerks fees shall be one shilling and six pence for receiving & recording the Notification and six pence for each Time of reading and notifying at a publick Meeting and the Justice shall be allowed for appointing Appraisers one shilling and six pence for receiving the Appraisal one shilling and six pence for recording the same and adjusting the Charges three shillings and the Person keep-

ing any stray Beast shall be paid for putting on the With and keeping the same on if less than six Months one shilling and six pence if more three shillings and for keeping the customary Price.

[CHAPTER 53.]

*State of  
New Hampshire.* }

AN ACT DIRECTING THE PROCEEDINGS AGAINST DEFICIENT COLLECTORS.

[Passed February 9, 1791. Original Acts, vol. 12, p. 76, recorded Acts, vol. 6, p. 266. Laws, 1792 ed., p. 198.]

Be it enacted by the Senate and House of Representatives in General Court convened that if any Collector of taxes shall not pay to the State Treasurer County Treasurer Town Treasurer Select men or any other person or persons all such sums of money as shall be committed unto him or them to collect by the time prefixed in the warrant or warrants to such collector given which time shall never be sooner than three months from the time of the delivery of such warrant with a list of taxes then and in every such case the State Treasurer County Treasurer Town Treasurer Selectmen or other person or persons to whom any such sum is ordered to be paid his or their Successor or Successors in office be and hereby are impowered by warrant or execution under his or their hand and Seals directed to the Sheriff or his deputy of the County where the same is to be executed returnable by a certain day thereon to be mentioned which shall in no case be less than sixty days to cause all such sums of money to be levied by distress and Sale of the real or personal estate of such deficient Collector returning the overplus if any there be and for want of any such estate to imprison such deficient Collector untill the same be paid—

And be it further enacted that the Treasurer or other person issueing any such warrant or execution on return of the same unsatisfied or satisfied in part only may issue an alias for such sum as may remain due on the return of any former one and so on as often as occasion shall require And in case such warrant or execution be issued either by the State or County Treasurer and the Sheriff can find no estate real or personal or not sufficient whereon to levy and satisfy the same and the body of such deficient collector cannot be found within his precinct or in case the body shall be committed and the money be not paid within three months from the time of commitment in either of the cases aforesaid the Treasurer issuing such warrant or execution on being certified by the Sheriff that no sufficient estate can be found whereon to levy and that the body cannot be found or

that the body hath been imprisoned three months and the money hath not been paid as aforesaid, shall notify the selectmen of the Town or place on whom the said tax was assessed thereof who are hereby authorised and empowered immediately to assess the inhabitants of such Town or Place the sum so due and collect the same as other taxes and assessments are collected and pay the same to the Treasurer to whom the same is due. And in case the sum for which such warrant or Execution issued be not paid within six months from the time of such notice being given as aforesaid then the said Treasurer shall and may issue his warrant or execution in manner aforesaid against the Inhabitants of such Town or Place for all such sums as are due and unpaid upon the former warrant or Execution and may add thereto the legal fees for the former warrant or execution and the service Travel and Poundage thereon—

And be it further enacted that when any Execution or warrant of distress issued by the State Treasurer County Treasurer Town Treasurer Selectmen or other persons having lawful authority to issue the same shall be levied on the lands Tenements or heriditaments of any deficient collector the officer levying the same shall proceed and sell so much thereof at public auction to the highest bidder as shall be sufficient to satisfy his said Execution or warrant with all legal costs giving thirty days notice of the time and place of sale by posting up advertisements therefor at some public place in the town or place where such estate lies and in two of the adjoining towns and in such case the Sheriff shall specify in his advertisement the amount of the sum to be satisfied by such sale and the species whether money certificates State notes or other thing in which the same may be paid And in all cases the Sheriff shall receive in payment of the sum mentioned in any such execution or warrant of distress the same as the Treasurer will receive of him as described in such execution or warrant of distress—

And be it further enacted that in all cases where the time shall be elapsed at which any Collector shall be ordered to pay his tax to the State or County Treasurer and the selectmen shall be of opinion that such Collector hath collected the several sums mentioned in his list of the persons in such list named and that there is danger of such Collector's absconding or being unable to pay when called upon by the treasurer to whom the same is payable in every such case the select men may issue their execution or warrant of distress against such collector for all such sums as he may be in arrear to the State or County Treasurer or both in the same manner as they may for any Town Tax; and the proceedings in such case shall be the same in all respects—Provided always that the said Selectmen shall in such case indemnify such Collector for all damages that he may sustain by reason of any extents that may issue against him by

the State or County Treasurer for the same tax—And the State or County Treasurer upon being notified by the Selectmen of their having issued such execution as aforesaid shall not issue any execution against such deficient Collector but shall in case of non payment for the space of three months after such notice issue his execution or warrant of distress against such Selectmen and, in their default of payment, against the inhabitants in the same manner as he is authorised to do in the case of Collectors being unable to pay—

And be it further enacted that in all cases when the name of any Collector, the date of the warrant given him, the sum he is ordered to pay and the time when he is to pay the same shall be returned to any Treasurer before he issue any extent for the same tax it shall be the duty of the Treasurer to issue his extents for such delinquent tax against such Collector or Collectors and against no other person or persons except in cases as before-mentioned when such Collectors are unable or in cases where such treasurer hath received notice as aforesaid that the Selectmen have already issued execution or warrant of distress therefor. And in all cases where the name or names of any Collectors shall not be returned to the Treasurer it shall be his duty in the first instance to issue his execution or warrant of distress for the unpaid tax of such Town or place against the Selectmen of that Year and against no other persons. And in case such Selectmen be unable or in case return be made by any Sheriff on any execution issued by any State or County Treasurer that no Selectmen were chosen in such Town or place that year then such execution shall issue against the Inhabitants of such Town or place—

And be it further enacted that in all cases where execution or warrant of distress issues against any Select men or against any Town or place in consequence of any default or neglect of any collector to pay his taxes according to the directions, such Selectmen or such town or Place in every such case shall have their remedy against such deficient Collector by action and shall recover against him all such sums as they may have paid or have been compelled to pay on his account with damages for the extraordinary Trouble they may have been at in paying the same—

And in all cases where any town or place may be compelled to pay any sums or be put to any Trouble or charges by reason of the neglect or misconduct of any Selectmen they shall have their remedy against such Selectmen—



## [CHAPTER 54.]

*State of  
New Hampshire.* }

## AN ACT FOR THE CONVENIENT AND SPEEDY ASSIGNMENT OF DOWER—

[Passed February 9, 1791. Original Acts, vol. 12, p. 77; recorded Acts, vol. 6, p. 270. Laws, 1792 ed., p. 207. See act of May 15, 1714.]

Be it enacted by the Senate and House of Representatives in General Court convened, That when the heir or other person having the freehold, shall not within one month after demand made, assign and set over to the widow of the deceased, her dower or just third part of, and in all houses, lands, tenements & hereditaments, whereof she is dowable at the Common Law, to her satisfaction, according to the true intendment of Law; then such widow may sue for, and recover the same by Writ of dower, to be therefor brought against such persons as have or claim to have right, as aforesaid, in said Estate in manner and form following:

State of New Hampshire }	
R ss }	
of	To the Sheriff of our said County
his under Sheriff or Deputy	Greeting.—
Command B. D. of G.	Addition that Instantly and with-
out delay	render to C. D. who was the wife of E. D.
late of M.	addition deceased her reasonable dower,
	which happens to her of a certain messuage or tenement with
	the appurtenances situate in G. aforesaid in the
	possession of the said C. D. which was in the seizen and pos-
	session of her said husband E. D. and whereof he was seized
	in his demesne as of fee during the coverture, and whereof
	she hath nothing as she saith; And the said C. D. complains,
	that the said B. D. hath deforced her thereof, and unless the
	said B. D. shall so do, then summon the said B. D. to appear
	before our Justices of our next Court of common pleas to be
	holden at on then and there to shew cause why
	the said C. D. her reasonable dower as aforesaid doth not ren-
	der, and have you there this Writ with your doings therein—
Witness	Esquire, at the day of in
the year of our Lord	

B. G. Clerk.—

And be it further enacted That upon judgment being given for any woman to recover her dower in any Estate of houses and lands and other hereditaments which were her husband's reasonable damage shall also be assigned to her from the time of the demand made, and a Writ of seizen shall issue in manner and form following, viz,

State of New Hampshire } To the Sheriff of our s<sup>d</sup> County of  
 R ss } his under Sheriff or Deputy  
 Greeting.—

Whereas C. D. widow who was the wife of E. D. late of B. in addition deceased, before our Justices of our Court of holden at for our County of aforesaid, on the day of did recover her seizen against of B. aforesaid addition of one third part of a certain messuage or tenement & with the appurtenances, situate in aforesaid, in possession of the said as her dower of the endowment of the said her certain husband, by our Writ of dower whereof she hath nothing. Therefore we command you that to the said C. D. full seizen of one third part of the aforesaid messuage or tenement &c with the appurtenances you cause to be had without delay, to hold to her in severalty by metes and bounds. We Command you also that of the goods or chattels of the said within your precincts, you cause to be paid and satisfied unto the said C. D. at the value thereof in money the sum of for damages awarded her by our said Court for her being holden and kept out of her dower aforesaid, and costs expended on the suit with two shillings more for this Writ; and thereof also to satisfy yourself, your own fees: And for want of goods or chattels of the said A. B. to be him shewn unto you, to take his body and commit him to the keeper of our Gaol in aforesaid, within the said prison whom we likewise command to receive the said B. and him safely to keep, until he pay unto the said C. D. the full sum above mentioned, and also satisfy your fees: Hereof fail not and make return of this writ, and how you shall have executed the same, to our next court of to be holden at for our said County of on the day of next. Witness E. G. Esquire at the day of in the year of our Lord—  
 F. A. Clerk.—

And where no damage shall be awarded, the writ to run only for seizen and Cost of suit.—

And the Sheriff or his Deputy, to whom such Writ is directed shall cause her third part, or dower in such Estate to be set off by three freeholders of the neighborhood upon their oaths who shall be sworn before a Justice, to set off the same equally and impartially, without favor or affection as convenient as may be; which oath every Justice of the Peace is hereby empowered to administer; a return made to the Sheriff by any two of them agreeing shall be sufficient, provided all the three shall have attended the business.

And be it further enacted, That of inheritances that shall be entire, where no decision can be made by metes and bounds or where a woman cannot be endowed of the Premises—she shall be endowed thereof in a special and certain manner, as of the

third part of the rents, issues, or profits thereof, to be computed and ascertained in manner as aforesaid.—And no woman that shall be endowed of any lands, tenements, or other inheritances, as aforesaid, shall commit or suffer any strip or waste thereupon, but shall maintain the houses and tenements, with the fences and appurtenances thereof, with which she shall be so endowed, in good repair, during the term, and leave the same so at the expiration thereof, and shall be liable to action for any strip or waste by her done, committed or suffered.—

## [CHAPTER 55.]

*State of  
New Hampshire.* }

AN ACT AUTHORISING EPHRAIM PUTNAM JOSEPH HERRICK  
AND JONAS KIDDER TO SELL THE REAL ESTATE OF THOMAS  
PRINGELL DECEASED FOR THE BENEFIT OF HIS WIDOW

[Passed February 9, 1791. Original Acts, vol. 12, p. 78; recorded Acts, vol. 6, p. 274.]

Whereas Mary Pringell of Lyndeborough in the County of Hillsborough hath petitioned the General Court setting forth that her late husband Thomas Pringell died intestate and without leaving any child—and praying that the selectmen of said Lyndeborough or some other suitable persons may be impowered to sell the real estate of the said Thomas for the benefit of his said widow and it appearing reasonable that the same should be done Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the said Ephraim Putnam Joseph Herrick and Jonas Kidder Selectmen of said Lyndeborough be and they hereby are authorised and impowered to sell and convey to any person or persons being Citizens and Subjects of this or any other of the United States all the right title interest and estate in any lands or tenements, which the said Thomas had at the time of his death within this State and to make and execute in common form a good and valid deed or deeds thereof which when duly recorded shall be a sufficient title to the purchaser or purchasers his or their heirs and assigns whereby to hold said right title interest and estate against the lawful claims and demands of all persons claiming by from or under the said Thomas any law usage or custom to the contrary Notwithstanding

And be it further enacted that the said Selectmen shall be liable to pay and shall pay to the said Mary all such sums of money as shall arise upon the aforesaid sale first deducting thereout their own reasonable charges provided the said Mary

give bond with sufficient sureties to the Judge of probate for said County to refund, in case any legal demand shall appear against said Thomas's Estate, all such sums of money as she shall have received or so much thereof as will discharge such demands—

[CHAPTER 56.]

*State of  
New Hampshire.* }

AN ACT ALTERING THE PLACES OF HOLDING THE COURTS IN  
THE COUNTY OF STRAFFORD

[Passed February 10, 1791. Original Acts, vol. 12, p. 79; recorded Acts, vol. 6, p. 275. See act of June 1, 1792.]

Be it enacted by the Senate and House of Representatives in General Court convened that, the places of holding, the judicial Courts in said County of Strafford be altered and that the times and places for holding said Courts be and hereby are established as follows namely

The Superiour Court of Judicature Shall be holden at Dover for the County of Strafford on the second Tuesday of April and at a place called New Durham Gore in said County on the Second Tuesday of September annually

The Inferiour Court of common pleas for the County of Strafford shall be holden at Dover on the third Tuesdays of February and June and at said New Durham Gore on the third Tuesdays of August & November annually

The Court of General Sessions of the peace for the County of Strafford shall be holden at Dover on the Thursday next following the third Tuesday of February and at said New Durham Gore on the Thursday next following the third Tuesday of August Annually—

Provided always that what is before expressed and contained in this Act shall not be in force or take effect until the first day of July in the year of our Lord one thousand Seven hundred and ninety two

And be it further enacted that all Writs Executions Warrants Venuries Recognizances appeals Actions Indictments and process of every kind returnable to or sustainable at the respective Courts which shall sit next after the Said first day of July shall be returned to & sustained by the respective Courts next thereafter to be holden in said County by Virtue of this act whereof all persons are to take notice and govern themselves accordingly—

And be it further enacted that the Court of General Sessions of the peace for said County of Strafford shall as soon as may be Cause to be erected near the dwelling house of Joseph Roberts

Esq. in said New Durham Gore a suitable and Convenient Court house and prison for the use of said County provided that the Town of Dover in said County be exempted from all charges in building the Court House in said New Durham Gore

## [CHAPTER 57.]

*State of  
New Hampshire* }

## AN ACT FOR THE PUNISHMENT OF PROFANE CURSING &amp; SWEARING.—

[Passed February 10, 1791. Original Acts, vol. 12, p. 80; recorded Acts, vol. 6, p. 277. Laws, 1792 ed., p. 258. See act of May 9, 1764.]

Be it enacted by the Senate & house of Representatives in General court convened, that if any person shall profanely curse or Swear and shall be thereof convicted by confession or Other Sufficient evidence the person so offending shall pay a fine not exceeding eight shillings nor less than one Shilling for every profane curse or Oath, according to the aggravations of the offence, the quality and circumstances of the offender in the Judgment of the Justice, or the Court before whom the conviction may be, and in case the Same offender Shall after conviction offend a Second time, the fine shall be double, and if a third time treble, and a like treble Sum for every after conviction; And if any person convicted of any Such Offence be unable to pay the fine imposed upon him and Costs of prosecution, the Justice before whom the conviction may be, may imprison the person convicted not exceeding Ten days, or Order him to be Set in the Stocks not exceeding one hour, or be whipped not exceeding Ten stripes. either but no more than one of these punishments at the election of the Justice or court,—

And be it further enacted that a record of every Such conviction shall be made in the following form,

State of New Hampshire

R

ss

On the            day of            AD 17            AB of &c addition  
was convicted before me BC one of the Justices of the peace for  
Said County of            of uttering            profane Oath or of  
uttering            profane curse and was ordered to pay a fine of  
of            Therefor

Attest B C Jus peace

And all offences against this Act Shall be prosecuted within ten days after the offence committed, and not afterwards.—

## [CHAPTER 58.]

*State of  
New Hampshire.* }

## AN ACT TO PREVENT FRAUDS AND PERJURIES.—

[Passed February 10, 1791. Original Acts, vol. 12, p. 81; recorded Acts, vol. 6, p. 278. Laws, 1792 ed., p. 241.]

Be it enacted by the Senate & House of Representatives in General Court convened that no action shall be brought whereby to charge any Executor of Administrator upon any special promise to answer damages out of his own estate;—or whereby to charge the defendant upon any Special promise to answer for the debt default or miscarriage of another person—or to charge any person upon an Agreement made upon Consideration of Marriage; or upon any Agreement that is not to be performed within the Space of one year from the time of making it unless such promise or agreement or some memorandum or Note thereof be in writing and Signed by the party to be charged therewith or by some other person thereunto by him lawfully authorized.—

And be it further enacted That no Contract for the sale of any goods Wares and merchandize for the price of ten pounds or upwards shall be allowed to be good except the buyer shall accept part of the Goods so sold and actually receive the same or give something in earnest bind the Bargain or in part payment; or that some note or memorandum in writing of the said Bargain be made & signed by the parties to be charged by such Contract or their Agents thereunto lawfully Authorized.—

## [CHAPTER 59.]

*State of  
New Hampshire.* }

## AN ACT DECLARING THE MODE OF CONVEYANCE BY DEED—

[Passed February 10, 1791. Original Acts, vol. 12, p. 82; recorded Acts, vol. 6, p. 279. Laws, 1792 ed., p. 202. See additional act of December 24, 1799.]

Be it enacted by the Senate and House of Representatives in general Court convened that all leases estates interests of freeholds or term of years or any uncertain interests of in or out of any messuages lands tenements or heriditaments made and created by livery and seizen only or by parol and not in writing signed by the parties so making or creating the same or by their agents thereunto lawfully authorized by writing shall have the the force and effect of leases or estates at will only, and shall not either in law or equity be deemed or taken to have any other

or greater force any consideration for making any parol leases or estates any former law to the contrary notwithstanding—And no leases estates or interests either of freehold or term of years or any uncertain interest of in or out of any messuages lands tenements or hereditaments shall be assigned granted or surrendered unless by deed or note in writing signed by the party so assigning granting or surrendering or their agents thereunto lawfully authorized and empowered by writing or by act and operation of Law

And be it further enacted that all grants and assignments and all declarations and creations of trusts or confidences of any lands tenements or hereditaments shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust or by his last will in writing or else they shall be utterly void and of none effect—

Provided always that where any conveyance shall be made of any lands tenements or hereditaments by which a trust or confidence shall arise or result by the implication, or construction of law to be transferred or extinguished by an Act or operation of law then and in every such case such trust or confidence shall be of the like force and effect as the same would have been if this act had not been made anything therein contained to the contrary notwithstanding—

And be it further enacted that no action shall hereafter be maintained upon any contract or sale of lands tenements or hereditaments or any interest in or concerning them unless the agreement upon which such action shall be brought or some memorandum thereof be in writing and signed by the parties to be charged therewith or signed by some other person thereunto lawfully authorized by writing—

And be it further enacted that all deeds or other conveyances of any lands tenements or hereditaments lying in this State signed and sealed by the party granting the same having good and lawful authority thereunto and signed by two or more witnesses and acknowledged by such grantor, or grantors before a Justice of the peace and recorded at length in the Registry of deeds in the County where such lands tenements or hereditaments lie shall be valid to pass the same without any other act or ceremony in law whatever—And no deed of bargain and sale mortgage or other conveyance in fee simple fee tail or for term of life or any lease for more than seven years from the making thereof of any lands tenements or hereditaments in this State shall be good and effectual in law to hold such lands tenements or hereditaments against any other person or persons but the grantor or grantors and their heirs only unless the deed or deeds thereof be acknowledged and recorded in manner aforesaid—

Provided nevertheless that when any grantor or lessor shall go beyond sea or be removed out of this State or be dead before

the deed or conveyance by him or her signed be acknowledged as aforesaid in every such case the proof of such deed or conveyance made by the oath of one or more of the witnesses whose names may be thereto subscribed before any Court of Record within this State shall be equivalent to the grantors acknowledgment thereof before a Justice of the peace—And where the Witnesses to any deed or other conveyance shall be dead before the same shall be acknowledged, and the grantor or grantors are also dead the proof of the handwriting of the grantor or grantors and of the subscribing witnesses thereto made by the oath of two witnesses before any Court of Record within this State shall be equivalent to the acknowledgment of such grantor or grantors before any Justice of the peace as before mentioned—

Provided that it shall be made to appear to the satisfaction of the Justices of the Court before whom such proof shall be made that the grantee or grantees in said deed or conveyances mentioned have in the life time of the grantor or grantors taken actual possession of the real estate conveyed by such deed and that such grantee or grantees or some person or persons claiming under him her or them, have continued such actual possession, quietly to the time when such application shall be made to such Court for the purposes aforesaid—

And be it further enacted that if any grantor or lessor of any lands tenements or hereditaments refuse to acknowledge any deed of bargain and sale Mortgage or other conveyance as aforesaid by him or her signed it shall be lawful for such grantee or lessee to put the same on record without any acknowledgment and such deed so recorded in the Registry of Deeds shall be deemed sufficient caution to all persons against purchasing attaching or levying Execution on the same land for the space of sixty days from the time of recording and shall during that time be good and effectual in law to all intents and purposes as tho' such deed or other conveyance were duly acknowledged—

And any Justice of the peace and of the quorum after such refusal at the request of the grantee or lessee his heirs Executors, administrators or assigns may issue a summons for such grantor or lessor to appear before him at a certain place and time in said summons mentioned to hear the testimony of the subscribing witnesses to said deed or other conveyance—And upon return made to the said Justice written on an attested Copy of said summons and signed by any Constable Sheriff or Deputy Sheriff that the original was delivered to the person to be summoned or left at his usual place of abode at least seven days before the day appointed for examining the Witnesses to said deed or other conveyance as aforesaid the said Justice may proceed whether the said grantor or lessor shall attend the examination or not to take the proof of the execution of such deed or other conveyance, and if one or more of the subscribing Witnesses to such deed or



other conveyance shall make solemn oath before the said Justice that he or they saw the said Grantor or lessor voluntarily sign and seal the said deed and that he or they subscribed his or their names as witnesses thereto at the same time such proof and a certificate thereof under the hand of the said Justice wherein the presence or absence of the grantor or lessor at such examination shall be particularly noted shall be equivalent to the acknowledgment of the grantor before any Justice of the peace—

Provided always that nothing in this Act contained shall be construed or deemed to bar any Widow of the grantor or lessor or any lands tenements or hereditaments from her dower or right in and to such lands tenements or hereditaments who did not legally join with her husband in such deed of bargain and sale mortgage or lease or otherwise lawfully bar or exclude herself from such dower or right

And be it further enacted that when any deed of bargain and sale mortgage or other conveyance of any lands tenements or hereditaments shall be made by virtue of any power of Attorney or instrument authorizing any person to execute such deed or other conveyance the said power or instrument being recorded in the office where the deed made by virtue thereof by law should be recorded such power having been signed sealed and acknowledged before a Justice of the peace by the party having lawful right to make the same, a copy thereof from the Records shall be read in evidence when the original cannot be produced in the same manner as the copy of the deed made thereby is admitted in evidence

And be it further enacted that all deeds of bargain and sale mortgage or other conveyance of real estate heretofore made and executed according to former Laws and usage within this State shall be valid and effectual—

And be it further enacted that any purchaser or purchasers or any real estate within any of the Counties in this State may record his or their deed or deeds in any County besides recording it in the County where such estate lies and in case of misfortune to the original deed or destruction of the Records in the County where such estate lies then an attested Copy of such deed or deeds produced from any of the other County Records shall be allowed as authentic as Copies from the Recorders Office in the County where such estate is situate—

## [CHAPTER 60.]

*State of  
New Hampshire.* }

## AN ACT REGULATING PRISONS—

[Passed February 10, 1791. Original Acts, vol. 12, p. 83; recorded Acts, vol. 6, p. 283. Laws, 1792 ed., p. 135.]

Be it enacted by the Senate and House of Representatives in General Court convened, that every gaoler or prison keeper shall at the opening of the Superior Court of Judicature and Court of General Sessions of the peace respectively return a list and certify to such Courts respectively the names of all prisoners then in his Custody with the cause of the commitment and also the names of all prisoners that shall be committed during the sitting of any such Court that the said Courts respectively may take cognizance thereof and may proceed to make deliverance of such prisoners according to Law for the crimes proper to the jurisdiction of the same Courts respectively—And every gaoler who shall neglect his duty herein shall forfeit such sum as shall be set upon him by the Court not exceeding ten pounds—

And be it further enacted that if any person shall directly or indirectly by any ways or means convey any tool instrument or other thing to any prisoner or into any prison whereby such prisoner might break prison or work him or herself unlawfully out of the same, every person so offending shall forfeit and pay such fine as by the discretion of the Court shall be imposed not exceeding twenty pounds or suffer corporal punishment by whipping not exceeding twenty stripes—

And if it shall happen that any Prisoner doth make his or her escape by means of any tool instrument or other thing conveyed by any person as aforesaid or if any person shall in any other way assist any prisoner to escape who by means thereof doth escape the person so conveying tools instruments or other things or the person so assisting in case such prisoner so escaping were committed for debt shall be liable to pay the full debt to the Creditor or Creditors at whose suit such prisoner stood committed—And in case such prisoner were committed for any crime the person so assisting shall suffer the same punishment which the prisoner was sentenced to suffer, or in case the escape happen before conviction the same punishment which the prisoner would have suffered in case of conviction of the crime for which he stood committed, And in either case the person so furnishing tools, instruments or other things as aforesaid or otherwise assisting as aforesaid shall at the discretion of the Court be fined a sum not exceeding five hundred pounds or be corporally punished by whipping not exceeding thirty nine

stripes and find sureties for the good behavior during the space of one year at the discretion of the Court upon considering all the circumstances attending such escape—But in case such prisoner were or would have been liable to capital punishment then the person so furnishing tools or otherwise assisting shall be fined imprisoned or set in the pillory or any one or more of the said punishments as the Court shall think proper to inflict—

And be it further enacted that every gaoler or prison keeper that shall voluntarily suffer any prisoner committed unto him to escape shall suffer the like pains and penalties as the prisoner so escaping should by law for the crime or crimes whereof he was convicted or of which he stood charged if he had been convicted thereof—And in case such prisoner were committed for debt such gaoler or prison keeper shall be liable to pay the debt to the Creditor and may be at the discretion of the Court fined in a sum not exceeding one hundred pounds—

And if any Gaoler or Prison keeper shall through negligence suffer any prisoner to escape such gaoler or prison-keeper shall in case the prisoner were committed for any crime pay such fine as the Justices of the Court shall inflict according to the nature of the Offence for which the escaped prisoner stood convicted not exceeding one hundred pounds—

And in case such prisoner were committed for debt such gaoler or prison-keeper shall be liable to pay the Creditor the full amount of his debt and be further liable to be fined at the discretion of the Court not exceeding fifty pounds—

And be it further enacted that if any person furnishing tools instruments or other things to any prisoner or otherwise assisting any prisoner charged or convicted of any offence to escape, or if any gaoler or prisonkeeper who shall voluntarily or negligently suffer any such prisoner to escape shall within six months next after such escape recover such prisoner and return him back to prison again then such person so assisting and such gaoler or prison keeper so voluntarily or negligently permitting such person to escape shall be liable only to such fine as the Court may inflict—All fines and forfeitures arising by this Act shall be paid to the County Treasurer—

And be it further enacted that in all cases where the sheriff gaoler prison-keeper or other person have been compelled to pay any sum or sums of money on account of any prisoner's escape he or they shall be entitled to his or their remedy against such prisoner—

And be it further enacted that the Court of General Sessions of the peace shall have the care of building inspecting and repairing all prisons, Court-houses and other necessary edifices for the use of the County and shall at the beginning of every term enquire into the State of the prisons in their respective

Counties, with respect to the security of such prisons from escape the condition and accommodation of the prisoners and shall from time to time take care to secure them from escape sickness and infection—

And be it further enacted that in case of the escape of any prisoner committed for debt through the insufficiency of the gaol or prison in any County the Sheriff shall stand chargeable to the Creditor or person to whose use any forfeiture was adjudged or any damages or Costs awarded against such prisoner for the full amount of such damages and Costs and shall have his remedy against the County on application to the Court of General Sessions of the peace in the same County and if said Court shall not cause payment to be made to the Sheriff within six months after the application made, such Sheriff shall then and not before be at liberty to bring his action against the inhabitants of the same County to be heard and tried in that or an adjoining County at his election an attested Copy of the Writ being left thirty days before the time of trial by any Coroner of the County against whom the action is brought shall be sufficient notice of the suit, And the Justices of the Court of General Sessions of the peace shall have full power to appoint an Agent or Agents to appear and defend such Action and when no Court of General Sessions of the peace shall have been holden in the County against which the action is brought after the service of the writ the Court shall order the action to be continued to the next term and untill a Court of General Sessions of the peace shall have been holden in the same County and all advantages shall be saved to the Defendants in the same manner as though they had appeared at the first term—

And if judgment be given against such County the Jury may give such sum in damages in addition to the sums actually paid by such Sheriff to the Creditor or Creditors as they may think reasonable as a compensation for his trouble in the same suit besides Costs—And Execution may be levied on the estate of any of the Inhabitants of such County—And the person upon whose estate such execution is levied may thereupon have an Action against the County—the Writ to be served and the Action prosecuted in the same way and manner as the action brought by the Sheriff as before mentioned to recover the monies so levied and shall have in case of recovery double Costs of suit

And be it further enacted that the prison keeper shall furnish and provide each Prisoner committed for debt or for any crime diet and sustenance such as the Justices of the Sessions may order for which the prisoner if he be committed for debt before he be discharged shall pay at the rate of five shillings per week or such sum as the Court of General Sessions of the peace shall order—And in case the Prisoner be committed for any crime three shillings per week or such sum as the said Court shall

order—And the prisonkeeper shall furnish them with diet in that proportion as to quality—

And be it further enacted, that if any Prisonkeeper shall defraud the prisoners of their allowance or shall not afford them sustenance and accomodations equally to what such prisonkeeper is paid therefor, any Court on Complaint of the prisoner and proof sufficient shall and may amerce such prisonkeeper in such sum as they may think just and reasonable considering the nature and aggravation of his offence not exceeding for one offence five pounds—

And be it further enacted that no person convicted and sentenced for theft shall be held in prison on account of restitution or damage awarded to the party injured for more than thirty days after such judgment or Sentence given unless such person to whom such restitution or damage is awarded as aforesaid will pay and satisfy the prison keeper his charge for keeping such prisoner both for the time past and future—And if the person to whom such damage or restitution is awarded shall neglect or refuse so to do, the prisonkeeper shall discharge the prisoner and in every such Case the prisoner shall pay his own fees and charges—And if he be unable then any two Justices of the peace quorum unus may order and enjoin the prisoner to make satisfaction for the same by service for such reasonable time as they shall assign,—And the Prisonkeeper may dispose of him in service to any subject of the United States for such time—

And be it further enacted that if any suit be commenced or prosecuted against the Keeper of the Prison for any thing done by him pursuant to this Act he may plead the general issue and may give this Act and the special matter in evidence—And the keeper in case the prosecutor become non-suit or verdict pass against the prosecutor shall recover double Costs—

And be it further enacted that the Plaintiff in every civil action in case he be an Inhabitant of this State and of sufficient ability, otherwise the endorser of the original writ shall pay to the prison keeper his legal demand for prison charges of any prisoner committed on mesne process in case the prisoner be unable to pay the same for so long time as such prisoner shall have been held in prison upon such process no further prosecution being had thereon to a judgment in Law—

## [CHAPTER 61.]

*State of  
New Hampshire.* }

## AN ACT ALLOWING A CERTAIN PREMIUM FOR KILLING WOLVES.—

[Passed February 10, 1791. Original Acts, vol. 12, p. 84; recorded Acts, vol. 6, p. 288. Laws, 1792 ed., p. 340.]

Be it enacted by the Senate and house of Representatives in General Court convened that if any person shall kill any wolf or wolf's whelp within this State and shall bring the head of such wolf or wolfs whelp to the Selectmen of the Town or place in which the same was killed—and if there be no Selectmen in the place where the same was killed then to the Selectmen of the town or place next to the place where the same was killed and shall prove to the satisfaction of the said Selectmen that the wolf or wolf's-whelp the head of which he hath brought to them as aforesaid was killed by him or by his means or by any other person whose agent he is the said Selectmen shall cut off the Ears from the head so brought to them as aforesaid and shall otherwise disfigure it so that it may never be produced for the like purpose again, and the said Selectmen shall give the person so producing the head as aforesaid a Receipt for the same, and the Person receiving the same Receipt on producing it to the Treasurer of this State shall receive out of the Treasury of this State the sum of six pounds for every wolf killed as aforesaid and the sum of three pounds for every wolf's whelp killed as aforesaid.—

## [CHAPTER 62.]

*State of  
New Hampshire.* }

## AN ACT TO IMPOWER THE INHABITANTS OF LYMAN IN THE COUNTY OF GRAFTON TO LEVY A TAX ON ALL THE LANDS PUBLICK RIGHTS EXCEPTED IN SAID TOWN FOR MAKING AND REPAIRING HIGH WAYS THEREIN

[Passed February 10, 1791. Original Acts, vol. 12, p. 85; recorded Acts, vol. 7, p. 1.]

Whereas the Selectmen of Lyman aforesaid have petitioned the General Court setting forth that the high ways in said Lyman are bad and much out of repair and praying that a Tax of three pence might be laid on all the Lands in said Lyman publick rights excepted for the sole purpose of making and repairing roads therein which prayer in part appearing reasonable—

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened that the Selectmen of said Town be and hereby are empowered to assess a tax of one half penny p<sup>r</sup> acre on all the Lands in said Town publick rights excepted as aforesaid annually—for three Years and the said Selectmen of said Town shall appoint a collector annually to collect the same to be laid out and appropriated for the sole purpose of making and repairing the publick roads leading through said Town—

That part of said Tax laid on the Residents Lands shall be collected as Town taxes are by law to be collected and the Taxes on that part which is owned by Non residents shall be collected the same way as State taxes assessed on Non resident Proprietors by Law are collected excepting what relates to the Advertising by the person appointed by the State at Exeter which may be Omitted and instead of such Advertising the Collector shall Notify the Non-resident proprietors of the Taxes laid on their Lands who shall have liberty to work out said taxes at the rate of three shillings P<sup>r</sup> day for an able bodied man at any time between the first day of May and the last day of October and the said collector previous to any sale of any delinquents lands shall give six months Notice in the New Hampshire Gazette when and where the sale of their lands shall be made, and when any lands are sold at publick Auction by virtue of this Act the collector is hereby empowered to give a good and valid Deed of the same, and the same time shall be allowed for redemption and the same mode be pursued in redeeming said lands as in case of Lands sold for payment of State Taxes, and the residents in said Town shall have the liberty of working out the tax on them assessed at the rate aforesaid and shall have one months notice for that purpose and the said Selectmen shall render upon oath a Just and true account unto the Court of General Sessions of the peace for said County in one year after the publication of the last advertisement how they have appropriated the same on penalty of forfeiting one hundred pounds for neglect therein to be recovered in any Court proper to try the same the one half to the use of the prosecutor, and the other half to the use of the County where the land lies And the said Selectmen or some person or persons by them appointed shall superintend said work

## [CHAPTER 63.]

*State of  
New Hampshire.* }

## AN ACT FOR THE EQUAL DISTRIBUTION OF INSOLVENT ESTATES.

[Passed February 11, 1791. Original Acts, vol. 12, p. 86; recorded Acts, vol. 6, p. 289. Laws, 1792 ed., p. 231. See act of November 11, 1784.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that when the Estate, of any person deceased, shall be insolvent, and insufficient to pay all the just debts, which the deceased owed, the Estate shall be distributed among the creditors, in proportion to the sums, to them respectively due; saving, that all rates and taxes, and debts due to the State, and debts due for the last sickness and the necessary charges for the burial of the deceased, shall be first paid—And the order of such payment, shall be, first the expences of the funeral, then the charges of the last sickness, then the rates and Taxes, and lastly the debts due to the State.

And the Executor or Administrator, of any such insolvent estate, shall, before the payment of any debts, (except as aforesaid,) represent the condition and circumstances of such Estate, as far as hath come to his knowledge, unto the Judge of Probate, and if it shall appear to the Judge, that such Estate, is insolvent, he shall appoint two or more persons to receive, examine and adjust, all claims of the creditors, to any such estate; and the Commissioners shall cause the times, and places of their meeting to receive, examine and adjust, such claims, to be made known, by posting up an Advertisement, or notification, thereof, in the Town or place, where the deceased, last dwelt, and in the two adjacent Towns, and also in the shire-town or towns, in the same County; or shall cause the same, to be printed in some public News-paper, that shall be most likely to give information, to all concerned, or if the Judge should, considering the circumstances of any such estate, and the situation of the creditors thereto, order all the notice before-mentioned, or any further, and additional notice to be given, then the said Commissioners, shall notify in such manner, as the Judge shall order, which manner of notifying shall always be expressed in the commission of insolvency, that shall issue to the Commissioners; and six months, or such further time or times, (not exceeding eighteen months in the whole,) as the said Judge, considering the circumstances of any such estate, may order, shall be allowed the Creditors to any such estate, to bring in and support their claims, or demands, against such estate, to the Commissioners; and at the end of the time limited, for bringing in claims, the said Commissioners, shall make report to the Judge, and present,



on oath, a list of all the claims by them allowed, and shall in such report, particularly state, how they have notified the creditors, and shall produce to the Judge, satisfactory evidence of their having so notified, and the Judge, shall allow them a reasonable sum for their services, which shall be paid, out of the estate.—And if there be any Widow, her dower in the houses and lands, shall be set off, according to law, and the real estate, with the reversion of her dower (if the Judge shall think most for the benefit of the Creditors that the reversion of the widow's dower, should be sold, with the rest of the real estate,) shall be sold according to law, unless any Creditor, will take it at the appraisal. And the allowance made to the Commissioners as aforesaid, all the Costs and charges of administering, rates and taxes, due from such estate, debts due to the State, and debts due for the last sickness and funeral charges, as before provided, and such reasonable sum out of the personal estate, as the Judge may think proper to allow to the Widow, for her support, being deducted, the Judge shall order, and decree, the residue of such estate, to be divided among the Creditors, in proportion to their demands allowed and adjusted as aforesaid, or otherwise by Judgment at law, and in such decree, the Judge shall declare and state, that the Creditors have been notified, according to his order.

And such decree, shall always, forever after, be considered sufficient evidence of that fact, in all matters or causes, where the same may be drawn in question.—And if the reversion, of the Widow's dower, was not sold, with the other real Estate, it shall at the expiration of her Term, be sold and divided as before-mentioned: And the like shall be done with any estate of the deceased, that may come to the hands of the Executors or Administrators, at any time after the first distribution.—

And be it further enacted, That all demands, against any insolvent estate, not exhibited to the Commissioners, whilst the commission of insolvency, is pending, shall be forever barred, unless the Creditor can find some estate, of the deceased, not inventoried, or Accounted for by the Executor or Administrator; in which case, after allowing and deducting such Costs and charges, as to the Judge may appear reasonable, if the estate so found and obtained, be sufficient, the said Creditor shall first receive a dividend, so as to make him equal with the other Creditors to said estate, if there shall be so much found, and remaining after deducting costs as aforesaid, and the overplus, (if any there be) shall be divided in due proportion, among all the several Creditors to said Estate.

And be it further enacted, That if any Creditor shall exhibit his claim, or demand, against any such insolvent estate, to the Commissioners, as before mentioned, and the said Commissioners, shall reject it wholly, or shall not allow the whole sum de-

manded, such Creditor conceiving himself aggrieved by such Judgment and determination, of the Commissioners, may at the time of such Commissioners returning and making their report to the Judge as before-mentioned, or within twenty days afterwards, if such demands so rejected, in whole, amounted unto six pounds, or if the sum allowed by the Commissioners, of any demand exhibited, is six pounds less, than the sum demanded, appeal from the judgment of the Commissioners, to the Superior Court, next to be holden, in the same County, signifying such his desire, to the Judge of Probate, in writing, and filing in the probate office, a declaration of his demand, against such insolvent estate, drawn up with the same legal certainty, as is required, in prosecuting demands in the Courts of law; and the Judge shall cause the Executor or Administrator, to be served with a copy of such declaration, and of the appeal made by such Creditor: And the Creditor may, at the Court appealed to, on the first day of the sitting of said Court, enter his action, as plaintiff, against the Executor or Administrator, and shall produce an attested Copy of such his declaration, and the Certificate of the Judge of Probate, that notice hath issued to the Executor or Administrator thereon.

And upon such declaration, such pleadings may be had, and the matter issued in the same way, and manner, as tho' such action had been commenced in the ordinary and usual way, and had been entered at said Superior Court, by way of appeal, from the Court of common pleas. And the said Superior Court, shall certify the Judge of probate, of the judgment they shall give thereon: And if something, but not more than the Commissioners shall have allowed, shall in such judgment, be given to the Creditor, the Court shall not tax costs for the Creditor, but may tax costs for the Executor or Administrator, if, all circumstances considered, they think it proper. And if the Creditor shall fail to enter his action, in manner and season, before directed, his demand shall be forever barred; and in case, any thing was allowed by the Commissioners, the same shall be struck off the list, and the Court may, on the complaint of the Executor or Administrator, tax and allow him costs and issue Execution therefor, or in case judgment be for the Executor or Administrator, on trial, or otherwise, after the entry of said action, he shall be allowed his Costs and shall have execution therefor, as in other cases: And any other of the creditors, shall and may, if the said Superior Court, think proper, be admitted to defend against such action, in the name of the executor or administrator, if the executor or administrator declines, or is himself a Creditor: And the judgment of the said Superior Court, shall be considered as the just claim of such Creditor. And if any executor or administrator, shall be of opinion that the Commissioners, have allowed a demand, against the estate,

which ought not to be allowed, or have allowed a larger sum, than was justly due, such Executor or Administrator, shall, at the time of the report being returned to the Judge, signify his objection to the Creditor, (if present,) or to his agent, (if present,) in writing, which writing shall be filed in the probate office; and if neither the Creditor, nor his agent be present, or if the Creditor fail to prosecute his demand, against such insolvent estate, at the next Superior Court, in the same County, in the manner before directed, in case of a Creditor's appealing from the judgment of the Commissioners, then the claim, allowed by the Commissioners, and objected to, by the Executor or Administrator as aforesaid, shall be struck off the list of claims; but if the same, or as much, as was allowed by the Commissioners, be allowed by the Judgment of the Superior Court, then such Creditor shall have his full costs taxed, and there shall be in either case, no review allowed: And the Creditor, and Executor or Administrator, may agree, before the Judge of Probate, to submit any dispute between them, to referees, in which case, their report being returned to the said Judge, and accepted by him, shall be final between the parties.

And be it further enacted, That no action against any Executor or Administrator of any estate, represented insolvent, shall be sustained, except for debts due to the State, debts due for rates and taxes, last sickness and funeral charges; unless the Executor or Administrator, having objection to the claim, upon which the action is brought, consents to have the same settled by course of law, in which case, the judgment of the Court, shall settle and adjust such claim, and the same, shall be final.

And all actions brought against any Executor or Administrator, before any estate is represented insolvent, shall, when such estate is represented insolvent, be discontinued; unless the Executor or Administrator, consent to have a trial at law as before mentioned. And no action shall, in any case, be commenced, against any Executor or Administrator, until the end of one year, after such Executor or Administrator, shall have proved the will, or taken out letters of Administration.

## [CHAPTER 64.]

*State of  
New Hampshire.* }

## AN ACT FOR THE MAINTENANCE OF BASTARD CHILDREN

[Passed February 11, 1791. Original Acts, vol. 12, p. 87; recorded Acts, vol. 6, p. 294. Laws, 1792 ed., p. 269.]

Be it enacted by the Senate and House of Representatives in general Court convened That when any Woman shall be pregnant with a Child which if born alive may be a Bastard and such Woman shall previous to her Delivery on Oath before a Justice of the Peace voluntarily charge any Man with being the Father thereof and shall also declare as near as may be the Time when and place where it was begotten and shall continue constant in such Accusation and shall in the Time of her Travail declare the same Person to be the Father of such Child to the Midwife or other Person attending her if any Person or Persons do attend her at the Time and he shall be prosecuted as the Father of such Child before the Court of general Sessions of the Peace in the Manner herein prescribed in which Prosecution she shall be admitted as a competent Witness, her Credibility being left to the Court or Jury who try the Prosecution he shall be adjudged chargeable with the maintenance of such Child with the Assistance of the Mother as the Court of general Sessions of the Peace considering the Condition and Circumstances of the Man so adjudged chargeable and the Mother shall in their discretion Order and the Person or Persons upon whom any such Order may be made shall give Security to perform the same and the said Court may order the said Person adjudged chargeable as aforesaid or the Mother or both as they may think just and proper (all Circumstances duly considered) to give Security to save the Town or Place (which might be otherwise chargeable with the Maintenance of such Bastard) harmless and free from any charge for the Maintenance of any such Child and the Person or Persons refusing or neglecting to give such Security may be committed to Prison untill the same be given

Provided always that if the Pleas and Proofs made and produced on the Part and Behalf of the Man so accused and other Circumstances be such as to satisfy the Court or Jury who try the prosecution that he ought not to be charged with the Maintenance he shall be acquitted and shall be allowed his Costs to be taxed in usual Form as in civil Causes and Execution to issue accordingly.

And be it further enacted That if either Party shall request it the Prosecution shall be tried by a Jury and the Issue shall be whether chargeable or not.

And be it further enacted That no Woman shall be admitted as a Witness as aforesaid who hath been convicted of any Crime which would by Law disqualify her from being a Witness in any other Cause.

And be it further enacted That every Justice of the Peace to whom Complaint is made against any Man charging him with having begotten any such bastard Child may convene such Man before him and at his Discretion may bind him to the next Court of general Sessions of the Peace with sufficient Surety or Sureties to answer such Charge and to abide the Order of said Court thereon and the said Court may take Security by way of recognizance of the Person so charged for his appearance at any future Term as may be necessary.

[CHAPTER 65.]

*State of  
New Hampshire.* }

AN ACT DECLARING THE DUTY AND DEFINING THE POWER OF COLLECTORS OF TAXES.—

[Passed February 11, 1791. Original Acts, vol. 12, p. 88; recorded Acts, vol. 6, p. 296. Laws, 1792 ed., p. 191.]

Be it enacted by the Senate and House of Representatives in General Court convened that it shall be the duty of the Collectors in every Town or place in this State seasonably to collect all the taxes assessed on such towns or places for which they shall have sufficient warrants under the hands and seal of the Selectmen of such Town or place and to pay the same according to the directions given in such warrant

And every Collector to whom any list of Taxes with a warrant in due form of law shall be committed to Collect shall give fourteen days notice to the inhabitants or residents taxed in such list of the sum or sums at which they are assessed in such list before he make any distress therefor unless in cases where such Collector hath just reason to think any person is about removing out of his Town or precinct; and upon the neglect or refusal of payment of any inhabitant or resident taxed in such list the said Collector is hereby empowered to distrain the goods or chattels of the person so neglecting or refusing And the said Collector shall keep such distress the space of four days (unless the money for which such distress is taken shall be sooner paid) at the cost and charges of the owner thereof and if the owner do not pay the sum or sums so assessed upon him and the cost and charges which have already accrued within the space of four days the said Collector shall proceed within forty eight hours after the expiration of said four days to sell

at public auction within the said town or place the said distress and notice of the place day and hour of such sale which shall be some time between ten of the clock in the forenoon and five in the afternoon and a particular description of the goods and chattels so to be sold and of the species whether money or paper for which the distress is taken shall be posted up in two public places in such town or place twenty four hours before the time of sale—And a particular account in writing of the taxes of the delinquent—in what payable the Collectors fees, the charges of keeping and selling such distress the amount of the sale of each article with the overplus if any after the taxes and all necessary charges are deducted shall be delivered immediately upon such sale to the former owner or ready to be delivered to him on request made

And for want of goods or chattels whereon to make distress the said collector may take the body of the person refusing or neglecting to make payment as aforesaid and him commit unto the common Goal in the same County there to remain untill the same be paid or he be discharged therefrom by due course of Law.

And in case any inhabitant or resident shall after the first day of April in any year and before he shall have paid his taxes for that year remove from the town or place where his invoice was taken and his poll and estate lawfully taxed into any other town or place in this State the Collector shall have the same remedy against the estate or body of such person found in any part of this State as he would by law have had in case such person had not removed.

And be it further enacted that all the powers vested by law in Collectors of taxes shall continue till they have collected all the taxes to them severally committed to collect.

Provided always that in no case whatever distress shall be made or taken of any person of his tools or implements necessary for his trade and occupation nor of his arms or utensils of household necessary for upholding of life nor of bedding or apparel necessary for him or his family—

And be it further enacted that when any collector shall take the body of any person for want of goods or chattels whereof to make distress and shall commit him to prison he shall give an attested copy of his warrant to the keeper of the prison and thereupon certify under his hand the sum or sums such person is taxed in his list or lists and that he hath taken the body for want of goods or chattels whereon to make distress and such attested copy and certificate thereon shall be a sufficient warrant to require the prison keeper to receive and detain such person in his custody untill he pay the sums so certified costs of commitment and charges of imprisonment or be otherwise there of discharged by due order of law.

And be it further enacted that where any owner or proprietor of any land or other real estate shall remove out of the town or place where such land or other estate lies after the same is assessed, to any other Town or place in this State or out of the limits thereof and shall not have paid the sums assessed on him and shall leave no personal estate whereon distress may be made and taken the owner of any buildings and improved lands liable to pay taxes shall not reside in or be inhabitant of the town or place in which such houses or lands lie and no stock corn or hay or other personal estate can be found on such land whereon to make distress for satisfying the taxes assessed thereon and where any person assessed in any list of taxes shall before payment happen to die leaving no personal estate that can be come at whereon to make distress and no person interested in the same estate appearing to discharge the taxes or where any inhabitant or resident shall conceal his goods and chattels and his body cannot be taken in each and every of the cases aforesaid the said Collector shall and may at the expiration of three months from the time of his having received such list proceed to advertise in such News paper as the General Court shall from time to time order for six weeks successively so much of the real estate or buildings so circumstanced as aforesaid as will pay the taxes assessed as aforesaid and all reasonable charges and in such advertisement shall be expressed the proprietor or owner of such estate or such a particular description of the estate in case the owner be not known as the law requires in the case of the unimproved lands of nonresident proprietors and in such advertisement shall be mentioned the day hour and place of such intended sale the hour shall be some time between ten in the forenoon and five in the afternoon and the place some public one in the town or place where the estate taxed lies and a like advertisement shall be posted up in the town or place where the Estate to be sold lies and also an advertisement of the like tenor in three towns or places adjoining by the like space of time before the time of such sale: and in case the taxes and charges of advertising be not paid before the hour for sale the collector may proceed to sell so much of the estate of the delinquent as will pay the taxes and all necessary charges and shall execute a good and valid conveyance of the estate so sold to the purchaser in the same manner and the same time for redemption shall be allowed as the law allows and provides in the case of the sale of the unimproved lands of non resident proprietors for non payment of taxes—

And be it further enacted that the mode of collecting taxes assessed on the unimproved buildings and unimproved lands of non resident proprietors shall be as follows—

The Collector upon receiving the list of such taxes shall forthwith forward to the person appointed by the State to receive

the same an attested copy of the list of taxes laid on the unimproved lands and buildings of nonresidents within his Town or place and the said person whose duty it is or shall be to receive the same shall immediately advertise three weeks successively in the New Hampshire Gazette and also one of the Boston Newspapers thereby informing all persons concerned that he has received said list and requiring all such owners and proprietors to pay their taxes to him or to the collector of the Town or place wherein the lands lie within eight weeks notifying also that in default thereof so much of the lands of each delinquent proprietor or owner will at the end of the said eight weeks be advertised for sale as will pay said taxes & all legal charges and the said person so advertising is hereby authorised to receive the same and the sum of five per Cent for his trouble for all sums by him so collected and at the end of said eight weeks he shall as soon as may be return a copy of said list to the Collector from whom he received it retaining in his hands the aforesaid attested copies specifying in said Copy to be returned who have paid their taxes and who are delinquent and at the same time forward to the Collector the money he hath collected belonging to the said Town or place for the County taxes and the residue thereof pay to the Treasurer of this State for the use thereof taking the said Treasurer's receipt therefor in behalf of said Town or place after which the said Collector shall advertise so much of the delinquent proprietors or owners land for sale as will pay said taxes with necessary incidental charges giving at least three weeks notice of the time and place of such sale by publishing the same in the New Hampshire Gazette and also by posting up a like advertisement for the term aforesaid in some public place in the town or place wherein the lands advertised for sale lie and in the two adjacent Towns

And in case the said delinquent proprietor or owner shall neglect to pay the aforementioned taxes laid on his or their land with the necessary incidental charges to the said Collector before the sale then the said Collector shall on the day appointed proceed to make sale at public auction of so much of the delinquents land as will pay said taxes with the necessary incidental charges provided the sale be made between the hours of ten of the clock in the forenoon and six of the clock in the afternoon And in case all the sales cannot be completed within the hours mentioned on said day the said collector may adjourn the sale (publicly proclaiming the same) from day to day not exceeding three days. And the said Collector is hereby authorised to execute a valid conveyance of the land so sold to the purchaser—

Provided nevertheless And be it further enacted that each non resident aforesaid his heirs or assigns shall have the liberty of redeeming any of his land or buildings sold as aforesaid at any time within the term of one year from the sale thereof as



aforesaid paying or tendering to the purchaser a sum amounting to the real value for which the land or buildings were sold with the interest therefor untill the time of payment or tender as aforesaid together with the cost of the deed or deeds and recording if any such be given and recorded. The mode for redeeming such lands and buildings shall be the same as the law prescribes for the redemption of lands mortgaged—

And whereas it often happens that more than one person is interested in a right or proprietors share of land or some one lot part of such share held in common and undivided and one or more being owner or owners of such land shall pay his or their proportion of taxes according to their interest and some other owner or owners in the same land being delinquent in paying their proportion of such taxes shall occasion some part of such lands to be sold for the unpaid Taxes—

Therefore be it enacted that the land sold in such cases shall be only the undivided right of the delinquent owner or owners. And be it further enacted that the form of the Collector's deed shall be as follows, viz.

Know all men by these presents that I                    in the County of                    in the State of New Hampshire Collector of taxes of and for the                    in said County for the year                    by virtue of sundry Acts and laws of this State relating to levying and collecting Taxes of non resident proprietors of land in the several Towns and places in this State for and in consideration of                    to me in hand paid before the delivery hereof by                    have given granted and sold and by these presents do give grant sell and convey unto him the said                    his heirs and assigns forever he the said                    being the highest bidder for the same at public vendue duly notified and held at                    at the dwelling house                    aforesaid for the sale of lands in said                    belonging to such non resident proprietors or owners as are delinquent in paying the said Taxes assessed thereon To have and to hold the said granted premises with the appurtenances thereof to him the said                    his heirs and assigns in fee simple forever. And I the Collector as aforesaid do in my capacity agree to and with the said                    his heirs and assigns to warrant and defend the said premises to him the said                    his heirs and assigns against the lawful claims and demands or any person or persons whomsoever saving and reserving only to the owner or proprietor their heirs or assigns their right of redemption according to law any thing in this deed to the contrary notwithstanding. In witness whereof I do hereunto set my hand and seal the                    day of                    Anno Domini                    Signed Sealed and delivered in presence of

## [CHAPTER 66.]

*State of  
New Hampshire.* }

## AN ACT PRESCRIBING THE FORMS OF WRITS IN CIVIL CAUSES—

[Passed February 11, 1791. Original Acts, vol. 12, p. 89; recorded Acts, vol. 6, p. 302. Laws, 1792 ed., p. 77.]

Be it enacted by the Senate and House of Representatives in General Court convened that in the cases following these forms shall be used—

## ATTACHMENT

R. ss. { The State of New Hampshire To the Sheriff  
of any County in this State or his Deputy  
Greeting

We command you to attach the goods or estate of A. B. of &c (addition) to the value of        pounds and for want thereof to take the body of the said A. B. (if he may be found in your precinct) and him safely keep so that you have him before our Justices of our        Court of        to be holden at        within and for our said County of        on the        Tuesday of        then and there in our said Court to answer unto C. D. of H &c (addition) in a plea of

To the damage of the said C. D. as he saith the sum of        pounds which shall then and there be made to appear with other due damages, and have you there this writ with your doings therein.

Witness R. W. Esquire at P. the        day of        Anno Domini

R. G. Clerk  
SUMMONS

R. ss. { The State of New Hampshire  
To the Sheriff of any County in this State or his  
Deputy Greeting

We command you that you summon A. B. of C. &c (addition) if he may be found within your precinct to appear before our Justices of our        Court of        to be holden at P. within and for our said County of        on the        Tuesday of        then and there in our said Court to answer to H. G. of S. (addition) in a plea of

To the damage of the said H. G. as he saith the sum of        pounds which shall then and there be made to appear with other due damages, and have you there this writ with your doings therein.

Witness R. W. Esquire at P. the        day of        Anno Domini

R. G. Clerk

## SUMMONS WHEN GOODS ARE ATTACHED

R. ss. { The State of New Hampshire  
To A. B. of P. &c (Addition)  
Greeting

We command you that you appear at our Court of  
to be holden at P. in our said County of on the  
Tuesday of then and there to answer to P. Q. of R.  
(Addition) in a plea of which plea the said P. Q. hath  
commenced against you to be heard and tried at the said Court  
and your goods or estate are attached to the value of  
pounds for security to satisfy the Judgment, which the said P. Q.  
may recover upon the aforesaid trial. Fail not of appearance  
at your peril.

Witness R. W. Esquire at P. the day of Anno Domini  
R. G. Clerk

## EXECUTION

The State of New Hampshire

ss { To the Sheriff of any County in this State or his  
Deputy

Greeting

Whereas R. Y. of K (Addition) by the consideration of our  
Justices of our Court of holden at P. for and within  
our County of aforesaid on the Tuesday of re-  
covered Judgment against D. H. of B. (Addition) for the sum  
of debt or damages and cost of suit as to us  
appears of record where of Execution remains to be done.

We command you therefore that of the goods chattels or  
lands of the said D. H. (within your precinct) you cause to be  
paid and satisfied unto the said R. Y. at the value thereof in  
money the aforesaid sums being in the whole with  
more for this Writ and thereof to satisfy yourself for your own  
fees, and for want of goods, chattels or lands of the said D. H.  
to be by him shewn unto you or found within your precinct to  
the acceptance of the said R. Y. to satisfy the sums aforesaid  
we command you take the body of the said D. H. and him com-  
mit unto either of our Goals within your precinct, and detain  
in your Custody within our said goal until he pay the full sums  
above mentioned with your fees or that he be discharged by the  
said R. Y. the creditor or otherwise by order of Law—

Hereof fail not and make return of this Writ with your doings  
therein unto our said Court of to be holden at P. in our  
County of aforesaid upon the Tuesday of  
next—

Witness R. W. Esquire at P. the day of Anno  
Domini

R. G. Clerk

And be it further enacted that the Writ for putting such into  
possession of any lands or tenements as shall recover judgment  
for the same and for levying the Cost and damages recovered  
upon such suit commonly called a writ of *facias habere posses-  
sionem* and writs of *fieri facias* as also the writ of *scire facias* to

be issued out of the Superior Court or Court of Common Pleas respectively, and the Writ of *Replevin* shall be from time to time granted and issued in the forms following, (viz)

WRIT OF FACIAS HABERE POSSESSIONEM AND FIERI FACIAS.

The State of New Hampshire

ss { To the Sheriff of any County in this State or his Deputy  
Greeting

Whereas A. B. of C. (Addition) before our Justices of our Court of holden at P. within and for our County of aforesaid upon the Tuesday of by the Consideration of the Justices of our said Court recovered Judgment for and title and possession of and in a certain with the appurtenances &c lying and being in the Town of C. against D. H. of G. (Addition) who had unjustly withheld put out or amoved the said A. B. from his possession thereof, and also at the said Court recovered judgment for for Costs and damages which he sustained by reason of the same as to us hath been made to appear of record—We command you therefore that without delay you cause the said A. B. to have possession of and in the said, &c

We also command you that of the goods Chattels or Lands of the said D. H. within your precinct, at the value thereof in money you cause the said A. B. to be paid and satisfied the aforesaid sum of which to the said A. B. was adjudged for his Cost and damages and more for this writ and thereof also to satisfy yourself for your own fees—

And for want of such goods chattels or lands of the said D. H. to be by him shewn unto you, or found within your precinct to the acceptance of the said A. B. to satisfy the aforesaid sums, we command you to take the body of the said D. H. and him commit to our Goal in P. and detain in your Custody within our said Goal until he pay the full sum above mentioned with your fees, or that he be discharged by the said A. B. or otherwise by order of Law—Hereof fail not and make return of this Writ with your doings therein unto our said Court of to be holden at P. upon the day of next—Witness R. W. Esquire at P. the day of Anno Domini

R. G. Clerk—

WRIT OF SCIRE FACIAS—

The State of New Hampshire

ss { To the Sheriff of any County in this State or his Deputy,  
Greeting—

Whereas A. B. of P. (Addition) before our Justices of our Court of holden for and within our County of at P. on the day of by the consideration of our said Justices recovered against C. D. of E. (Addition) the sum of debt or damages and also cost and charges

by him about his suit in that behalf expended whereof the said C. D. is convict as to us appears of record and altho' judgment be thereof rendered yet the execution for the said debt or damage and cost doth yet remain to be made, whereof the said A. B. hath supplicated us to provide a remedy for him in that behalf—Now to the end that Justice may be done we command you that you make known to the said C. D. that he appear before our Justices of our said Court of to be holden for and within our said County of at P. on the Tuesday of to shew cause if any he have wherefore the said A. B. ought not to have his execution against him the said C. D. for his Debt or damage and cost aforesaid and further to do and receive that which our said Court shall then consider—And have you there then this Writ with your doings therein hereof fail not Witness R. W. Esquire at P. the day of Anno Domini

R. G. Clerk—

#### WRIT OF REPLEVIN

The State of New Hampshire

ss { To the Sheriff of our County of or his deputy or  
Constables of the town of P. in the said County or to  
any or either of them— Greeting

We command you to replevie belonging unto T. P. of C. (addition) now distrained or impounded by D. K. of P. (Addition) and deliver the said unto the said T. P. provided he give bond to the value of pounds with sufficient surety or sureties to prosecute his replevin at the next Court of to be holden at D. for the County of afore-said on the day of and so from Court to Court untill the Cause be ended and to pay such Cost and damages as the said D. K. shall recover against him,—And we command you to summon the said D. K. if he may be found within your precinct to appear before our Justices of our Court of to be holden at within and for our said County of on the Tuesday of then and there in our said Court to answer to the said T. P. in a plea of Replevin (here insert the declaration)

To the damage of the said T. P. as he saith the sum of pounds as shall then and there be made to appear with other due damages—Hereof fail not and make return of this writ with your doings therein—Witness R. B. Esquire at the day of Anno Domini  
R. G. Clerk

And the like form of *scire facias* and replevin to be observed for matters cognizable before a Justice of peace mutatis mutandis—

And be it further enacted that the several forms of writs and

processes here under-written shall be and hereby are established to be the forms to be granted and used in civil causes, triable before a Justice of the peace (to wit)—

#### SUMMONS FOR APPEARANCE

State of New Hampshire } To the Sheriff of the said County  
R. ss } of his Deputy or to either  
of the Constables of the town of  
P. in said County—  
Greeting

In the name of the State of New Hampshire you are required to summon S. H. of P. aforesaid (Addition) if he may be found in your precinct) to appear before me T. P. Esquire one of the Justices of the peace for the County of aforesaid at in P. the day of at of the Clock in the noon Then and there to answer to R. W. of K. (Addition) in a plea of to the damage of the said R. W. (as he saith) the sum of shillings as shall then and there appear with other due damages—

Hereof fail not and make due return of this Writ with your doings therein unto myself at or before the said day of  
Dated at P. aforesaid the day of Anno Domini  
T. P.

#### ATTACHMENT

State of New Hampshire } To the Sheriff of the said County  
R ss } of or his Deputy or to either  
of the Constables of P. in said  
County  
Greeting

In the name of the State of New Hampshire you are required to attach the goods or estate of A. B. of P. aforesaid (Addition) to the value of shillings and for want thereof to take the body of the said A. B. (if he may be found in your precinct) and him safely keep so that he may be had before me S. P. Esquire one of the Justices of the peace for the County of aforesaid at P. on the day of at of the Clock in the noon, then and there to answer to E. T. of N. (Addition) in a plea of To the damage of the said E. T. (as he saith) the sum of shillings as shall then and there be made to appear with other due damages—Hereof fail not and make due return of this Writ with your doings therein unto myself at or before the day of Dated at P. aforesaid the day of Anno Domini  
S. P.—

#### SUMMONS WHEN GOODS ARE ATTACHED.

State of New Hampshire } To A. B. of P. in the County of  
R. ss } (Addition)  
Greeting

In the name of the State of New Hampshire you are required to appear before me S. P. Esquire one of the Justices of the Peace for the County of           aforesaid at P. on       the day of       at       of the Clock in the       noon to answer unto E. T. of M. (Addition) in a plea of           which before the said E. T. hath commenced to be heard and determined before me and your goods or estate are attached to the value of       shillings for security to satisfy the Judgment which the said E. T. may recover upon the aforesaid trial—

Fail not of appearance at your peril Dated at P. aforesaid the       day of       Anno Domini  
S. P.

## EXECUTION OR WARRANT OF DISTRESS

The State of New Hampshire

R.       ss       } To the Sheriff of our County of       or his deputy or either of the Constables of the town of P. within our said County  
Greeting

Whereas A. B. of P. (addition) on the       day of before S. P. Esquire one of our Justices of the peace for our County of R. aforesaid recovered Judgment against C. D. of H. (Addition) for the sum of       debt or damage and cost of suit as to us appears of Record whereof Execution remains to be done

We command you therefore that of the money of the said C. D. or of his goods or chattels (within your precinct) at the value thereof in money you cause to be levied paid and satisfied unto the said A. B. the aforesaid sums being       in the whole and also that out of the money goods or chattels of the said C. D. you levy       more for this       writ together with your own fees—And for want of such money goods or chattels of the said C. D. to be by him shewn unto you or found within your precinct to the acceptance of the said A. B. for satisfying the aforesaid sums, we command you to take the body of the said C. D. and him commit unto our Goal in H. and we command the keeper thereof accordingly to receive the said C. D. into our said goal and him safely to keep until he pay the full sums above mentioned, with your fees or that he be discharged by the said A. B. the Creditor or otherwise by order of Law—Hereof fail not, and make return of this writ with your doings therein unto our said Justice within sixty days next coming—Witness our said Justice at P. the       day of       Anno Domini—

S. P.

State of New Hampshire } SUBPENA—  
R.       ss       } To  
Greeting

You are hereby required in the name of the State of New Hampshire to appear at the                      Court of                      to be holden at                      within and for the said County of                      on                      to testify what you know relating to a plea of                      then and there to be heard and tried betwixt A. B. of &c Plaintiff and C. D. of &c Defendant—

Hereof fail not as you will answer your default under the pains and penalties of the Law in that behalf made and provided—Dated at P. the                      day of                      A. D.

A.D.                      Clerk

[CHAPTER 67.]

*State of* }  
*New Hampshire.* }

AN ACT DIRECTING THE PROCEEDINGS AGAINST THE TRUSTEES OF ABSENT OR ABSCONDING DEBTORS—

[Passed February 12, 1791. Original Acts vol. 12, p. 90; recorded Acts, vol. 6, p. 310. Laws, 1792 ed., p. 151. Steer v. Dow, 75 N. H., 97.]

Be it enacted by the Senate and House of Representatives in General Court convened, that where any person shall have in his possession any money goods chattels rights or credits of any Debtor any creditor may cause such person so having said money goods chattels rights or credits to be summoned as trustee of such debtor the summons to be made out in the form in this Act prescribed—And in such summons a declaration of the demand against the principal debtor drawn up with legal certainty shall be inserted—And the said Summons shall be served on the trustee in the same way and manner as original summonses in other cases by law are and ought to be served, and shall also be served on the Principal debtor in the same way and manner if such principal debtor at the time of serving such summons on the trustee be a resident or Inhabitant within this State—And in all cases where it shall appear to the Court that the service on the trustee was not personal the return being that a copy of such summons was left at the last and usual place of such trustees abode the said Court shall order the said cause to be continued untill it shall be made to appear that the said trustee hath had notice or they may continue such cause such reasonable time as they shall judge just and equitable in order that the trustee may have due notice of the suit—

And be it further enacted that if the said trustee do not appear by himself or Attorney at the term or Court to which he is summoned or at such after term to which the same cause may be continued on account of such trustee, his default shall be recorded and the charge of his having in his hands or possession



goods chattels rights or credits of the principal debtor to the amount of all such sums as the Plaintiff shall prove and recover against the principal debtor in that process shall be taken and deemed to be true and execution may issue against him his proper goods and estate therefor whenever the said damages and costs are ascertained—

And be it further enacted that if the said trustee shall appear at the first term by Attorney and pray a continuance on account of his not being able to attend or for other sufficient cause such and any further and reasonable continuance or continuances shall be granted unto him—And if it appear to the Court by Affidavit that the said trustee is infirm and unable to attend in person at the said Court the said Court may appoint a Commissioner to administer the oath to the said trustee and the same proceedings may be had before the said Commissioner as far as relates to the examination of the trustee and answering interrogatories under oath as are or may be had in the Court when trustees personally appear and answer under oath—And the said Commissioner shall cause the Plaintiff to be notified of the time and place when and where he will proceed to such examination that he may be present at the same—

And be it further enacted that when the said trustee shall appear in his proper person at the Court he may if the Plaintiff request it be put to answer interrogatories under oath as to the estate rights or credits of the principal debtor in his hands or possession at any time since the service of such summons on him as aforesaid—

And if it shall appear on his oath or on examination of the whole matter it be found that such trustee had not at the time of serving such process on him as aforesaid or at the time of his having notified of such suit or at any time since, any money goods chattels rights or credits of such principal debtor in his hands or possession judgment shall thereupon be rendered in favour of such trustee for costs and no further proceedings shall upon such process be had against the principal debtor unless such debtor shall have been personally notified of the suit and the same shall so appear to the Court unless such debtor shall have actually appeared—

And be it further enacted, that where the said trustee shall appear at the Court and it shall appear on his oath or on sufficient evidence produced by the Plaintiff that such trustee had money rights or credits of the said principal debtor in his hands or possession at the time of the service of such summons as aforesaid or at the time of his having notice of such suit or at any time since a Record thereof shall be made—

And the said trustee shall be liable to the Creditor for the goods and credits so found in his hands to the value of the judgment recovered against the principal debtor if so much there be—

And in case the Plaintiff shall in such process recover judgment against the principal debtor execution shall issue against the goods or chattels of the said principal debtor in the possession of the said trustee, in case goods or chattels shall have been so found in his hands and a Record thereof shall have been made as aforesaid.

And on return made by any proper Officer that the said trustee refuseth to expose the said goods and chattels so that the creditor may levy execution on them, the court shall on motion of the Creditor grant a Rule to shew cause why execution on such judgment should not issue against such trustee his proper goods or estate and upon Affidavit of the service of such rule on the said trustee, and no sufficient cause shewn to the contrary, such execution shall be awarded as the Court may think proper—And in all other cases except where the same is otherwise specially provided and declared, execution shall issue against the trustee his proper goods or estate for the amount of the sums in such trustees hands belonging to the principal debtor or so much thereof as will satisfy the Plaintiffs demand and all costs in the same manner as if the said debt were the trustees own proper debt—

And in case the sum so found in the hands of the said trustee and for which execution hath issued or may issue against him his proper goods or estate be less than the sum recovered by the Plaintiff against the principal debtor the Court may also award execution for the ballance against the principal debtor, but in case the execution awarded against the trustee be for goods and chattels of the principal debtor in his hand the value of which is uncertain and it shall appear to the Court that such goods and chattels will not be sufficient to pay the whole sum recovered by such Plaintiff, the said Court may in their Execution against such goods and chattels order execution to be done of a certain form only and may at the same time award execution for the residue of such judgment against the principal debtor—And the said Court may and shall in all cases issue execution or executions until the judgment be fully satisfied—

And be it further enacted that in all cases it shall be the duty of the trustee to give notice of any such process served on him as aforesaid to his principal and he shall have a right to retain in his hand so much of the money or goods of his principal as will compensate him for his trouble herein—And the said trustee if he acknowledgeth that he hath money, goods, chattels rights or credits of the principal debtor in his hand or if it be so found on examination shall if he request it be admitted to defend on the part and behalf of the said principal debtor and shall upon being so admitted be entitled to one continuance of course to notify his principal when it doth not appear that he hath already had notice and he shall have such further continuances in order

to prepare his defence on the part of the principal as aforesaid as the Court may think just and reasonable all circumstances considered—

But if the said Court shall be of opinion that there is fraud and collusion between the Plaintiff and the trustee the said Court may refuse to admit the trustee to defend on the part and behalf of the principal or may admit them to defend under such restrictions as they may think proper and may notwithstanding such admission order the creditor to give notice such as they may think most likely to have effect to the principal debtor before they proceed to trial of the merits of such creditor's demand—

And be it further enacted that if it shall appear on return of the process issued that the principal hath been duly served with the process and he doth not appear by himself or Attorney to defend, judgment shall be rendered for such sum in damages as the Plaintiff or Creditor shall prove to be justly due with costs of suit—But if the said principal debtor be not a resident or an inhabitant in this State and no proof be made to the Court that he was duly served with a Copy of such summons, the said Court shall suspend rendering judgment for two terms against such principal debtor and may order the plaintiff to give such notice of the suit as they all circumstances considered shall think just and reasonable—And in all cases where the said principal debtor is not an inhabitant or resident of this State and the process be not served on him in person and proof thereof made to the Court by Affidavit which shall always be in writing and filed in the cause and the said principal debtor doth not appear the Creditor before he shall have any execution on any judgment he may obtain against any such principal debtor in any such case shall give bond to respond the judgment which such principal debtor may recover on review of the process, which Action of review such principal debtor may commence and prosecute at any time within two years next after judgment rendered against him, and on such action of review the said principal debtor may plead in the same manner as if no default had been made or as if no such judgment had been rendered against him—

And be it further enacted, that if the said principal debtor doth appear at the said first term or at any time before judgment be rendered on such process against him he shall be admitted to defend the same action as far as relates to the justice and truth of the demand therein exhibited against him—

And be it further enacted that in all cases where the trustee is indebted to the principal debtor and the time for payment hath not expired the said Court shall suspend issuing execution against such trustee until the time for payment be expired—

And be it further enacted, that when any such trustee shall

be indebted to the principal debtor and the contract be for the delivery of any specific article or articles or for payment in any articles and the time for such delivery or payment be not expired the Court shall suspend issuing execution as before mentioned and the said Creditor shall be agent of the said debtor for the purpose of receiving such specific articles or such payment in such articles according to the tenor of the contract and shall levy his execution on such articles so received to the amount of his debt and costs and no more unless in cases where it is impossible to make a division in which case he shall return the overplus to such principal debtor whenever he shall request the same—

And be it further enacted that the goods effects or credits of any absent or absconding debtor so taken as aforesaid by process and judgment of law out of the hands of the trustee by any of his said Creditors shall fully acquit and forever discharge such trustee his executors or administrators of from and against all actions suits damages payments and demands whatsoever to be asked, commenced had claimed or brought by his principal his executors or administrators for the same and if any such trustee be sued for any thing by him done pursuant to this Act he may plead the general issue and give this act and the special matter in evidence—

And be it further enacted, that the summons before mentioned shall be in the form following, namely—

The State of New Hampshire

R.      ss      {      To the sheriff of our County of                      or his  
   deputy

Greeting

We command you that you summon A. B. of (Addition) trustee of C. D. of (Addition) if said A. B. may be found in your precinct to appear before our Justices of our Court of Common Pleas              to be holden at              in and for said County of              on the              Tuesday of              next, then and there to answer to E. F. of (addition) upon his declaration against the said C. D. in a plea of (here insert the declaration) to the damage of the said E. F. as he says the sum of              which shall then and there be made to appear with other due damages and the said A. B. hath in his possession goods effects or credits of the said C. D. to the value of              pounds as the said E. F. says, and have you then & there this writ with your doings thereon—

Witness T. W. Esquire at              the              day of              Anno  
Domini

N. H. Clerk

## [CHAPTER 68.]

*State of  
New Hampshire.* }

## AN ACT TO RESTRAIN THE TAKING OF UNLAWFUL INTEREST

[Passed February 12, 1791. Original Acts, vol. 12, p. 91; recorded Acts, vol. 6, p. 316. Laws, 1792 ed., p. 272. See act of March 6, 1769.]

Be it enacted by the Senate & House of Representatives in General Court convened that no person or persons upon any Contract which shall be made shall take either directly or indirectly for the loan of any money Wares Merchandize or any other personal Estate whatever above the value of six pounds for the use and forbearance of one hundred pounds for a year and after that rate for a greater or less sum or for a longer or shorter time.—

And all and every person & persons who shall hereafter upon any Contract take accept and receive by ways or means of any corrupt bargain loan exchange or by covin or deceitful Conveyance or by any other way or means, for the forbearing or giving day of payment for one whole year of and for their money or other personal estate above the sum of six pounds for the forbearance of one hundred pounds for a year and so after that rate for a greater or less sum or for a longer or shorter time shall forfeit and loose for every such offence three times the sum above the lawful interest so taken One moiety to the use of the prosecutor and the other moiety to the use of the County in which the offence is committed with Costs of prosecution.—

And be it further enacted that when any person or persons shall be sued on any bond Contract Mortgage or any Assurance given or made hereafter for the payment of any money Goods or personal estate whereon or whereby any sum is given secured or taken for the forbearing or giving day of payment more than the lawful Interest that is more than at the rate before mentioned then if the debtor or debtors (the Creditor being alive) shall come into Court where the Cause is to be tried and shall offer to make Oath and if required by the Court actually swear that there is taken received or secured by such bond Contract Mortgage or Assurance above the rate of six pounds in the hundred for the forbearance of the same whether it be for money or other things for one year And so after that rate for any greater or less sum or for a longer or shorter time or that the Creditor or Creditors have received more than after the rate of six pounds in the hundred for the forbearance or loan of any sum of money or other personal estate or thing sued for  $\text{p}^{\text{d}}$  annum in rendering Judgment upon such Bond Contract Mortgage or assurance the Court shall deduct from the sum lawfully due by

or upon such Contract or other assurance as aforesaid a sum equal to three times the sum above the lawful Interest taken secured given or received on or by such Contract of other Assurance; Unless the Creditor or Creditors will swear that he She or they have not directly or indirectly willingly taken or received more than after the rate of six ̄ Cent ̄ annum for forbearance or giving day of payment And that by such bond Contract Mortgage or Assurance there is not reserved secured or taken more than after the rate of six ̄ Cent ̄ annum for forbearance or giving day of payment for the money Goods or things sued for or demanded,

Provided always that nothing in this Act shall extend to the letting of Cattle or other usages of the like nature in practice among farmers or to Maritime Contracts among Merchants as Bottomry insurance or course of exchange as hath been heretofore used.

[CHAPTER 69.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE RIGHT & PRIVILEGE OF  
KEEPING A FERRY OVER A CERTAIN PART OF MERRIMAC  
RIVER IN BENJAMIN NOYES OF BOW HIS HEIRS AND ASSIGNS.

[Passed February 14, 1791. Not found in Original Acts; recorded Acts, vol. 6, p. 318.]

Whereas Benjamin Noyes of Bow in the County of Rockingham Gentleman has petitioned the General Court setting forth that he has kept a ferry in said Bow on Merrimac River near the Mouth of Suncook River ever since the year one thousand seven hundred and Sixty four, in all which time he has endeavored to give constant and satisfactory attendance, which he conceived has been greatly for the benefit of the people of this State, and likewise a continuance of said ferry will be of general utility, & conceives that from long occupancy he has acquired a natural right of owning and keeping said Ferry.

Wherefore he prayed that the exclusive right of keeping said Ferry might be granted to him his heirs and Assigns. Which representation appearing Just and the prayer of said Petition reasonable

Therefore be it enacted by the Senate and House of Representatives in General Court convened. that the Sole and exclusive right of keeping a ferry over Merrimac River in any place within the distance of one Mile, either above or below the Mouth of said Suncook River, be and hereby is granted to and vested in the said Benjamin Noyes his heirs and assigns, he or they from time to time as the same shall happen giving bond

with sufficient Surety in the sum of one hundred pounds, to the Clerk of the Court of the General Sessions of the Peace for the County of Rockingham that the said Ferry shall be kept and constantly attended.

And be it further enacted that if any person or persons shall for hire or Reward transport over said River within the limits aforesaid any person creature or thing, such person or persons so transporting shall forfeit and pay to the said Benjamin Noyes his heirs and Assigns the sum of forty shilling to be recovered by action of Debt before any Court in said County proper to try the same

[CHAPTER 70.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE JUSTICES OF THE INFERIOR COURT OF COMMON PLEAS TO FIX AND DETERMINE THE BOUNDARIES OF THE GAOL YARDS IN THEIR RESPECTIVE COUNTIES—

[Passed February 14, 1791. Original Acts, vol. 12, p. 92; recorded Acts, vol. 6, p. 320. Laws, 1792 ed., p. 140.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Justices of the Inferior Court of Common Pleas shall as soon as may be after the publication of this Act fix and determine the boundaries of the gaol yards appertaining to the several gaols in their respective Counties and extend the bounds and limits of the Several gaol yards as far as the local situation of the gaols and the convenience and accomodation of the prisoners require, Provided said yards shall not in any case extend more than two hundred rods each way from said gaols—And at all times that the determination of the Inferior Court be subject to the controul of the Justices of the Superior Court of Judicature—

[CHAPTER 71.]

*State of  
New Hampshire.* }

AN ACT FOR CEDING TO THE UNITED STATES OF AMERICA ONE ACRE AND THREE QUARTERS OF AN ACRE OF LAND WITH THE FORT AND LIGHT HOUSE THEREON SITUATE IN NEW CASTLE—

[Passed February 14, 1791. Original Acts, vol. 12, p. 93; recorded Acts, vol. 6, p. 321. Laws, 1792 ed., p. 374. See additional act of June 18, 1807.]

Be it enacted by the Senate and House of Representatives in General Court convened that one acre and three quarters of an acre of a certain neck of Land situate in New Castle on great

Island at the entrance of Piscataqua River commonly called Fort point to begin at the northeasterly extremity of said point and to run southwesterly carrying the whole width of said neck of land until a line crossing said neck south forty degrees east shall complete the aforesaid acre and three of an acre of Land together with the Fort and light house thereon be and hereby are ceded to and vested in the United States of America with all the Jurisdiction thereof which is not reserved by this Act—

Provided nevertheless and be it further enacted that if the United States shall at any time neglect to keep lighted and in repair said light house the Cession aforesaid shall in that case be utterly void and of no effect—Provided also that all writs, warrants, executions and all other processes of every kind both civil and criminal issuing under the authority of this State or any officer thereof may be served and executed on any part of said land or in said Fort or any other building which now is or hereafter may be erected upon the premises aforesaid in the same way and manner as though this act had not been passed—And provided further that if the United States shall at any time make any compensation to any one of the United States for the cession of any light house, fort or land which hath been or hereafter may be made to the United States the like compensation be made to this State for the land, fort and light house by this Act ceded in proportion to their respective values—

## [CHAPTER 72.]

*State of  
New Hampshire.* }

### AN ACT FOR THE SUPPRESSING OF LOTTERIES

[Passed February 14, 1791. Original Acts, vol. 12, p. 94; recorded Acts, vol. 6, p. 322. Laws, 1792 ed., p. 271. See act of May 2, 1754.]

Be it enacted by the Senate & House of Representatives in General Court convened that if any person or persons shall undertake to set up any lottery, or expose to sale, or dispose of any Estate real or personal by way of lottery such person or persons shall for every such offence forfeit & pay the sum of two hundred pounds to be recovered by action of debt in the Court of Common pleas in the County where the Offence is committed the one half thereof to the prosecutor & the other half to the use of the County—

And be it further enacted that if any person or persons shall be aiding or assisting in any lottery by printing or any other ways publishing an Account thereof, or where tickets may be had for the same such person or persons shall forfeit the sum of fifty pounds to be recovered and disposed of in manner aforesaid

And be it further enacted that if any person or persons shall



offer or expose to sale, give, sell or otherwise dispose of to any person in this State any such lottery ticket such person shall forfeit the sum of one hundred pounds for each Ticket so exposed to sale or otherwise disposed of—the said forfeiture to be recovered in manner aforesaid & to the use aforesaid

Provided always that nothing in this Act shall be construed to extend to any lottery allowed or that shall hereafter be allowed by Act or law of the Legislature of this State or of the United States or of either of them

### [CHAPTER 73.]

*State of* }  
*New Hampshire.* }

#### AN ACT EMPOWERING THE SELECT MEN OF CAMPBELL'S GORE TO TAKE AN INVOICE AND ASSESS AND COLLECT THE TAX OF THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY

[Passed February 15, 1791. Original Acts, vol. 12, p. 95; recorded Acts, vol. 6, p. 323.]

Whereas the Inhabitants of said Campbell's Gore in the County of Hillsborough have represented to the General Court that all the records in said place have been lately destroyed by fire and that the Invoice taken in the said year was burnt and it appearing reasonable that relief in the Premises should be given—therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the Select men of said Campbell's Gore chosen in said year be and they hereby are authorized and empowered to take a new Invoice of all Estate & Polls taxable in said place on the first day of April last and to make Assessments on the polls and estates in said place for all Taxes of said year one thousand Seven hundred and ninety in the same way and manner as tho' such Invoice had been taken in the month of April last

### [CHAPTER 74.]

*State of* }  
*New Hampshire.* }

#### AN ACT REGULATING BAIL IN CIVIL CAUSES.—

[Passed February 15, 1791. Original Acts, vol. 12, p. 96; recorded Acts, vol. 6, p. 324. Laws, 1792 ed., p. 99. See additional act of December 15, 1797.]

Be it enacted by the Senate and house of Representatives in General Court convened that where bail is given upon mesne process in any civil action for the appearance of the party to answer the suit and to abide the order or judgment of the Court

that shall be given thereon every such surety or Sureties shall be obliged to satisfy the judgment obtained against the principal in case of the principal's avoidance and return of "*Non est inventus*" upon the execution and the party for whom the judgment was given may have a writ of *scire facias* from the Court where the original judgment was rendered against such surety or sureties and in case no sufficient Cause is shewn to the contrary shall have judgment thereon against such surety or sureties for the damages & costs recovered against the principal with additional Costs of suit, and execution shall be granted therefor accordingly.

Provided always that the Surety or sureties in any suit at the time of entering up final judgment against the principal or at any time before such final judgment may bring the principal into Court and move to be discharged upon which he shall be discharged and the Court shall order the keeper of the prison to receive him into custody that so his body may be taken in Execution and his body shall be holden the same time and in the same manner as though he had been committed on such mesne process for want of bail.—

And provided further that if the said surety or sureties shall at any time before *scire facias* brought or before final judgment rendered against such surety or sureties bring the principal into Court and move the Court to be discharged from such suit, the said Court shall order the said surety to be discharged such surety paying down in money to the Creditor the Costs that have already accrued in such suit against the surety and the said Court shall also order the said principal debtor to be committed that the Creditor may take him in execution and he shall remain in custody of the said prison keeper unless sooner discharged by the Creditor thirty days. And if the Creditor shall not within the said space of thirty days take the said debtor in execution, the prison keeper shall discharge him upon his paying prison charges. Provided always that in all cases where the surety shall cause the principal to be committed after final judgment rendered against the principal and before *scire facias* brought against the Surety such surety shall within fifteen days after such commitment notify the creditor in writing or notify his Attorney who appeared for him in the suit that the principal stands so committed in order that the body may be taken in execution & that such plaintiff or Creditor may not be at the expence of suing out a *scire facias* against the surety.

And be it further enacted—That no *scire facias* shall be served upon the Bail unless it be done within one year next after entering up final judgment against the Principal.—

And be it further enacted—That the bail may have his or their remedy by action on the Case against his or their principal for all damages sustained by their becoming his sureties.—

## [CHAPTER 75.]

*State of* }  
*New Hampshire.* }

## AN ACT REGULATING MARRIAGES, &amp; FOR THE REGISTERING OF MARRIAGES BIRTHS &amp; BURIALS

[Passed February 15, 1791. Original Acts, vol. 12, p. 97; recorded Acts, vol. 6, p. 326. Laws, 1792 ed., p. 267. Passed July 3, 1776.]

Be it enacted by the Senate and House of Representatives in General Court convened that every ordained Minister of the Gospel in the County where he is settled or hath his permanent Residence and in no other place and every Justice of the peace in the County for which he is commissioned and in no other place whatsoever shall be and hereby are authorized & empowered to solemnize Marriages between persons who may lawfully enter into that relation.

And be it further enacted that all persons desiring to be joined in marriage shall have such their desire or intention published at three several public meeting days or three Sabbath days in the respective towns or places where the parties so desiring to be joined in marriage dwell or reside by the Clerks of such towns or places:—And the persons desiring to be joined in marriage shall produce to the Justice or Minister who shall be desired to marry them a Certificate of such publishment under the hand of the Clerk or Clerks so publishing them:—And in Case either of the parties desiring to be married live in a town or place where there shall be no Clerk then publishment shall be made in the town or place next adjoining in manner as aforesaid

And be it further enacted that if any Justice of the peace or Minister shall join any Persons in marriage without a Certificate as aforesaid; or shall otherwise than is expressly allowed by this Act join any persons in marriage they shall severally forfeit and pay the sum of twenty pounds to the use of any Parent Master Guardian or next friend to either of the parties so married who may sue therefor in any Court proper to try the same

And if any person not authorized & empowered to solemnize marriage by this Act shall join any persons in Marriage whether with or without publishment and be convicted thereof in the Superiour Court of Judicature upon Indictment he shall be subjected to pay a fine at the discretion of the Court to the use of the County where the offence may be committed the fine not to exceed One hundred pounds nor be less than thirty—

And be it further enacted that every Justice of the peace Minister of the Gospel and Clerk of the people called Friends or Quakers shall make & keep a particular record of all marriages solemnized before them respectively And shall in the month of

March every year make a return to the Clerk of the town or place where such minister Justice or Clerk of the Society of the people called Quakers lives of the names (both christian & sirnames) of all persons who have been by or before them respectively joined in marriage within the year last passed and the places of their abodes and the time when they were joined together in marriage.

And be it further enacted that the Persons joined in marriage by any Minister or Justice shall pay therefor to the said Minister or Justice the sum of Six Shillings

And be it further enacted that the Clerk of every town or place shall record in the Book of records belonging to such town or place all Certificates of Marriages returned to him as aforesaid and the said Minister Justice or Clerk of the Society of the people called Quakers shall pay the said town Clerk for every marriage by them respectively returned or certified four pence as a fee for recording the same.—

And be it further enacted that the Clerk of every town and place in this State shall record births and burials and all persons concerned are to give Notice of such births and burials to the Clerk within one month and pay two pence for every birth or burial by the said Clerk recorded

And be it further enacted that nothing in this Act shall be construed to affect the right of the people called Quakers to solemnize marriages in the way and manner usually practised in their meetings.—But all such marriages so solemnized shall be good & valid in law any thing in this Act to the Contrary notwithstanding.—

And be it further enacted that any Minister Justice or Clerk of any Society of the people called Quakers who shall neglect to make the return of the Marriages by or before them solemnized as before mentioned to the town Clerk shall for every neglect severally forfeit and pay to any person who will sue for the same the sum of forty Shillings And if any parent shall neglect for one year after a birth of any Child to make return to the Clerk of the town or place in which such Child is born of the time of the birth of such Child the person so neglecting shall forfeit and pay to the person suing for the same the sum of twenty Shillings—

## [CHAPTER 76.]

*State of  
New Hampshire.* }

AN ACT FOR THE PUNISHMENT OF IDLE AND DISORDERLY PERSONS—FOR THE SUPPORT AND MAINTENANCE OF THE POOR—AND FOR DESIGNATING THE DUTIES, AND DEFINING THE POWERS OF OVERSEERS OF THE POOR.

[Passed February 15, 1791. Original Acts, vol. 12, p. 98; recorded Acts, vol. 6, p. 329. Laws, 1792 ed., p. 300. Robinson "History of Taxation in New Hampshire," p. 214.]

Be it enacted, by the Senate and House of Representatives, in General Court convened; That the inhabitants of any Town in this State, may build or use, any House, such Town may provide, for a house of correction, or for a work-house, in which, to set their poor to work: and at any legal meeting, may raise all such sums of money, as they may judge necessary, for the purpose of procuring, building or maintaining, such House or Houses. And such House or Houses, shall and may be used, for the keeping, correcting, and setting to work, of Rogues, Vagabonds, Common-beggars, lewd, idle and disorderly persons. And such Town at any legal meeting, may appoint all proper officers, for the government of such House or Houses, and shall, and may, make and establish, all necessary rules, orders and regulations, not repugnant to the laws of this State, for the ruling, governing and punishing of such persons, as may be there committed, and such rules, orders and regulations, by them so made, shall be put in execution: provided, that in no case, shall the punishment inflicted, by such orders, rules and regulations, exceed hard labour, during confinement in such house, wearing fetters, or Shackles, during such time, or whipping, to the number of twenty stripes.—

And be it further enacted, That the Court of General Sessions of the peace, in each County, in this State, may if they think best, build or otherwise provide, at the charge of such County, a convenient house of correction, with convenient accomodations thereunto adjoining and belonging, to be used, for the keeping and correcting of Rogues, Vagabonds, common-beggars, lewd, idle and disorderly persons, and in which to employ the poor.—And when there shall be no such house, provided by the County, the common prison, may be used for that purpose.—And the said Court may nominate, and appoint a Master of such house, and all other proper officers, for the government thereof,—and may make, ordain, and establish, such rules, orders, and regulations, as may be necessary, for the government thereof;—provided, the same be not repugnant to the laws of this State;—And, provided, that no punishment to be inflicted, by any such

regulations, exceed hard labour, or wearing fetters, or Shackles, during confinement in such house, or whipping, to the number of thirty-nine stripes.—And any Justice of the peace, as well as the Court of General Sessions of the peace, may commit, unto the County-house of correction, to be kept and governed, according to the rules and orders of such house, any rogue, vagabond, lewd, idle, or disorderly persons, persons going about begging, or persons using any subtle craft, juggling, or unlawful games, or plays, or persons pretending to have knowledge in physiognomy, or palmistry, or persons, pretending that they can tell destinies, or fortunes, or discover by any spells, or magic art, where lost or stolen goods may be found, common pipers, fiddlers, runaways, stubborn Servants, or Children, common Drunkards, common Night-walkers, pilferers, persons wanton and lascivious, in Speech, conduct or behaviour, common railers, or brawlers, such as neglect their calling or employment, mispend what they earn, and such as do not provide for themselves, or the support of their families, upon conviction of any of the offences, or disorders aforesaid on Complaint made in writing, or such persons may be committed, unto the house of correction, in any town where such offender, may be apprehended, if there be any such house of correction, in such town.—

And, be it further enacted, That when any person, in any town, or place, in this State, shall be poor, and unable to maintain him or herself, such person shall be relieved, and maintained, by the overseers of the poor of such Town, or place, where such person shall happen to be: and in case, such Town or place, are not by law, chargeable, with the maintenance, of such poor person, they may, in the method herein after prescribed, or by Action, recover of the Town or person, chargeable by law, with the maintenance of such poor person, all such sums, as they shall have expended, about the maintenance of such person, and in case, they shall have notified the Town or person, liable by law, to maintain such poor person, previous to their administering such relief, they shall have double costs of suit, taxed for them: And such overseers, may keep such poor persons, in the work-house, or may maintain them, in any other way, they or the Town, shall judge best.

And be it further enacted, That when any person, not an Inhabitant of any Town, or place, in this State, nor by the laws thereof, the proper charge of any town, or place, in the same; or if any person or persons, shall stand in need of relief, in any town or place, in this State; the Select-men, or overseers of the poor, of such town or place, last mentioned, shall relieve and maintain, such person and shall lay the account thereof, before the Justices of the Court of General Sessions of the peace, for the County, in which, such town, or place lies, and the said Justices, having examined such Accounts, and adjusted the same, shall

certify such sum, (as they shall think proper to allow,) to the President, for the time being, who is hereby authorized, with advice of Council, to draw an Order, for the payment of the same, out of the public Treasury—

Provided, always, that it shall be the duty of the said overseers, in the cases aforesaid to use all lawful means, to obtain an allowance, from such Town or persons, as may be liable, by law, to pay for the support of any such poor persons, previous to their application to the Sessions, in the manner before described.

And be it further enacted, That the overseers of the poor, in every town or place, in this State, be, and hereby are empowered, to bind out to labour, or to employ in their work house, (if they have any,) every person, residing in their Town or place, of what age soever, who live idly, and pursue no lawful calling or business, and who are poor, and stand in need, of the relief of such town or place, or whose families, standing in need of such relief, are supported by such Town or place; And every contract, made by such overseers, in any of the cases aforesaid, shall be as good, and effectual, as if such person, bound him or herself, for the same term of time: And such overseers, shall and may take the wages, and appropriate it to the maintenance of such person, his or her family, or children.—Provided always, that such contracts, shall be made in writing, and shall express the term, such person is to serve, which shall not exceed one year at a time, but may be renewed or made, for a shorter time, as there may be occasion.

And be it further enacted, That the Overseers of the poor in the respective towns and places in this State, be and hereby are empowered, to set to work, in their work house, or elsewhere, or bind out apprentice, as they may think best, all such Children, as are chargeable to such Town, who do not employ themselves in some lawful business, and whose parents, are unable to maintain them, and do not bind them out, in good families; The Males may be bound out till they arrive at the age of twenty one years; and the females, till they arrive at the age of eighteen years; And such binding out, shall be as good and effectual in law, to all intents and purposes, as any way, and method of binding out apprentices whatever.—And the said Overseers, shall make their Contract equitably, and for the benefit of the persons bound out, as much as may be, at least, that the Males be instructed to read and write; and the females to read and do such work and business, as may be suitable to their Circumstances and condition, as far as such Children may respectively be capable.—And the said overseers, shall enquire into the usage of all persons, by them or their predecessors bound out, and shall endeavor to redress any wrongs and injuries, they may sustain.—And the persons, to whom such persons are bound out, shall have the same authority over them, as Masters of appren-

tices have by law, over their apprentices, during their apprenticeship.—

And be it further enacted, That the relations of any poor persons, standing in need of relief, in the line of father, or grandfather, Mother or grand Mother, Children or grand-children, of sufficient ability, shall be liable to maintain, and relieve them, when standing in need, of relief.—And in case, any one, standing in need of relief, have no such relations of sufficient ability, then, and in every such case, the Town or place, in this State, where any such person was born, or last an inhabitant, shall be considered as the Town or place, liable to relieve and maintain, such person, when standing in need of relief.—And every person, who hath lived one year, in any town, or place, shall be deemed an Inhabitant of such town or place, unless sometime within such year and before the expiration thereof, such person, shall have been by warrant from the Selectmen of such Town or place, directed to any Constable thereof (or other person, to whom they may think proper to direct the same,) warned to depart from such Town or place, and the said warrant, and the return of such warning made, by the person, to whom directed, within the time aforesaid returned to the Clerk of the court of General Sessions of the peace, in the same County; and put on file, which shall always be done, by the said Clerk; and a minute thereon made, of the time of receiving the same; And the said Clerk, shall receive six pence therefor.

Provided always, that nothing in this section contained, shall be construed to extend to persons, committed, or lawfully restrained, in any town, or to such, as shall be sent for education, or to any Physician to be healed or cured.—

And be it further enacted, That the taxing or assessing, of any tenant, or other person, (so warned to depart from any town,) for such lands, property, and rateable estate, as he may have, use, occupy or possess, during his residence in such town, shall not be considered or construed, as entitling the person so taxed or assessed, to the rights and privileges of an Inhabitant; nor shall such taxing, or assessing, be used, or in any wise operate, to injure or lessen, the full force, validity and effect, of such warning; Such taxes or assessments, being always considered, as made in common, with the taxes and assessments, upon the other lands, property and rateable estate, in the respective towns—any law, usage or custom, to the contrary notwithstanding.—

And be it further enacted, That if any person, in any town or place, in this State, shall receive and entertain, in his house, or suffer to live on his lands, lying in the same town, or place, where such person lives, any person or persons, who are not Inhabitants of such town or place, for the space of eight months, and shall not in writing, notify the Selectmen, or some one of them, thereof, and in such writing shall be expressed the names



of such persons, the time when they came to his house, or to live on his land as aforesaid, and the place they came from; (if known,) every person, neglecting to give such notice, as aforesaid, shall forfeit, and be liable, to pay a fine of ten shillings, for each and every such neglect, to be recovered, with costs, by the Select-men, for the use of the Town, where such neglect may happen; provided, they shall sue for the same, within six months, from the time any such penalty may be incurred.

And be it further enacted, That the Master of every Ship, or other vessel, shall within three days, from and after the time of entering his ship, or vessel, deliver to the Selectmen, or town Clerk of the Town, where any such ship or vessel, shall arrive, a true and perfect list, or certificate, under his hand of the christian and surnames of all persons, passengers or others, brought in such ship or vessel, not belonging thereto, and not heretofore, inhabitants of this State; with a particular account, of their several circumstances, so far as he shall know them, on penalty of forfeiting to the use of the Town, in which such vessel arrives, the sum of two pounds, for each person; to be recovered by action, by the Select-men, overseers of the poor, or Town Treasurer. And when any person so brought, by any such master of vessel, shall be sick or lame, and likely to be chargeable, such Master, shall carry him or her out of this State, again, within two Months, after request made, or give bond, in a reasonable sum, with sufficient sureties, that said person, shall not become chargeable to said Town; and shall be liable to pay all charges of supporting any such person.

And be it further enacted, That all disputes, which may arise in any County, in this State concerning the support and maintenance of any poor person, may be heard and determined, by three Justices of the peace, one of whom, shall be of the quorum, in such County.—And the said Justices on a petition being presented to them, shall order, the adverse party to be served with a copy thereof, with their order thereon, appointing a proper day, and place of hearing thereon, giving at least, eight days notice.—And the said Justices, on hearing both parties, or such of them as attend (due notice having been given) shall make such order thereon, as shall appear just, either for the past, or future maintenance, of such poor person or persons, and may tax costs, for either party; and issue Execution on their judgment, under the hand and seal of the said quorum Justice, who shall keep the records and proceedings, and who shall be competent to certify such records and proceedings—And where the judgment of such Justices shall be against any town or place, the execution, shall issue against the inhabitants of such town or place.—And the said Justices shall be allowed six shillings *Pr* day, and travel, as in cases of taking depositions.—the petition shall be taxed as a writ; the fees for copying for execution, and the parties and

witnesses fees, the same as in other Cases, at the Court of common pleas. And in case the person or persons, against whom, such order, may be made, for future maintenance, shall disobey such order, the petitioner, or person or persons, in whose favour the order was made, may apply by way of petition, to the former Justices, or any three other Justices in the same County, one of whom, shall be of the quorum, setting forth the former order; and that the same, hath not been obeyed.—And notice in manner, as before mentioned, shall be given: and on a full hearing of the parties or such of them, as attend the said Justices, may make such new order, as may be just, and issue Execution, for such damages as the petitioner may have sustained, by reason of the said order's not having been obeyed, and may tax double costs for the petitioner, and so often, as occasion may require.—And the person or persons, aggrieved at any judgment, given by any Justices as aforesaid, may at any time, within six months after said judgment is given, petition the Justices of the Superior Court, setting forth, the original petition, and order, or sentence thereon, and briefly stating the evidence produced on trial; and assigning such errors, as shall appear therein; and the petition shall be filed in the office of the Clerk, of said Superior Court, and a copy thereof, attested by the Clerk, with a notification, signed by the petitioner to the adverse party, to appear at the next Superior Court, to be holden in the County, where the order was made, and shew cause, why the prayer thereof should not be granted, shall be served upon the adverse party, fifteen days, before the sitting of said Court.—And the petitioner shall enter his said petition, and shall produce copies of all the papers filed in the Cause; and the Justices of said Superior Court, shall hear the said parties or such of them, as appear, on the matters and causes assigned for Error, as well in fact, as in law, and issues in fact, shall be tried by Jury.—And in case, the first sentence be reversed, the said Superior Court, shall award to the petitioner, restitution of all damages, and costs, sustained by the original Judgment, with additional Costs—otherwise the adverse party, shall recover double Costs, and execution shall issue accordingly.—And in case, in any such dispute, the parties litigant, live in different Counties, one of the Justices of the peace, empowered to hear and try the same, shall be a justice and of the quorum throughout the State.

And be it further enacted, That no application to the Superior Court in any case, shall supersede any process of the three Justices, until the final order of the said Superior Court.

## [CHAPTER 77.]

*State of  
New Hampshire.* }

## AN ACT FOR PREVENTING TRESPASSES.—

[Passed February 15, 1791. Original Acts, vol. 12, p. 99; recorded Acts, vol. 6, p. 336. Laws, 1792 ed., p. 259.]

Be it enacted by the Senate and house of Representatives in General Court convened—That from and after the publication of this Act, no person shall cut, fell, destroy or carry away any trees, wood, timber or underwood whatsoever, standing, lying or growing on the land of any other person, or off or from the Commons of any town, other than that to which he doth belong, or within the same town; having no right there, without leave or licence from the major part of the proprietary of such commons, or the owner or owners of the land on which such trees, timber, wood or underwood was standing lying or growing; or shall cut out, or alter the mark of any mill log, or logs in any river or mill-dam; or shall saw or cut into any sort of lumber, any log or logs that are not their own property, without the owner's leave or licence, on pain that every person so cutting, felling or destroying or carrying away the same or cutting out or altering or sawing any log or logs, or aiding and assisting therein, shall for every such trespass, forfeit & pay to the parties injured, or trespassed upon, the sum of forty shillings for every tree or log of one foot over; and for all trees or logs of greater dimensions, three times the value thereof, besides forty shillings as aforesaid, and twenty shillings for every tree or pole under the dimensions of one foot diameter; and for other wood or underwood, treble the value thereof; which several penalties, forfeitures and damages shall & may be recovered by action upon conviction of the Trespasser or Trespassers, as is hereafter specially provided and enacted, before any justice of the peace, if the penalty or damage exceed not forty shillings; but if it be above that value, then before the Court of common pleas.—

And be it further enacted—That if any person or persons, shall throw down, or leave open any bars, gates, fence or fences, belonging to, or inclosing any lands holden in propriety or common, or belonging to any particular person or persons within any town in this State, or that shall dig up or carry away any stones, ore, gravel, clay or sand belonging to the proprietors of any common land, or to any particular person or persons as aforesaid, every such offender shall for every such trespass, upon conviction thereof, as in and by this Act is hereafter provided, forfeit and pay treble damages to the party or parties

injured thereby; and also a sum not exceeding five pounds, according to the nature or aggravation of the trespass; to be recovered in manner as aforesaid.—

And forasmuch as it is very hard and difficult to detect and convict any trespasser or trespassers against this act, in the ordinary method or course of the law, because the trespasses are generally committed where positive evidences can scarcely ever be had:

Be it therefore enacted—That in case any dispute arise before any action brought as aforesaid where the Plaintiff shall charge the Defendant in trespass for cutting, felling, destroying or carrying away any particular tree, or trees, parcels of timber, wood or underwood, or for throwing down or leaving open any fence or fences, gates or bars or for digging up, or carrying away, any stones, ore, gravel, clay or sand, turf or mold, or for cutting or altering the mark of any mill-log, or logs in any river, or at any mill-dam, or on the land; or for cutting or sawing into any sort of lumber, any mill-log or logs which are not their own property, without leave of the owner as aforesaid, or of aiding or assisting therein; then, and in such case if the plaintiff, his agent or Attorney shall make oath that there has been cut, felled, destroy'd, or carried away, so many trees or logs, marks of logs cut out or altered, or sawed, or cut into any sort of lumber, or carried away such and so many trees, parcels of wood, or underwood, or that any fence or fences, gates or bars, have been thrown down, or left open, or that any stones, ore, gravel, clay or sand, hath been dug up or carried away, as mentioned in the writ, and that he suspects the Defendant to have committed the said Trespass; and although the platf: may not be able to produce any other evidence thereof, than such circumstances as render it highly probable in the judgment of the Court or Justice that shall try the cause, or before whom the trial is: then and in every such case, unless the defendant shall acquit himself upon oath (to be administred to him by the Court or Justice that shall try the cause) the plaintiff shall recover of the Defendant damages and costs, but if the defendant shall acquit himself upon oath as aforesaid, the Court or Justice may and shall enter up Judgment for the defendant, to recover against the Plaintiff, his double costs occasioned by such prosecution.—

## [CHAPTER 78.]

*State of  
New Hampshire.* }

AN ACT EMPOWERING THE JUDGE OF PROBATE TO GRANT LICENSE  
TO SELL REAL ESTATE IN CERTAIN CASES—

[Passed February 15, 1791. Original Acts, vol. 12, p. 100; recorded Acts, vol. 6, p. 339. Laws, 1792 ed., p. 230.]

Be it enacted by the Senate & House of Representatives in General Court convened that where the personal estate of any person deceased shall not be sufficient to answer the just debts which the deceased owed and legacies given the Judge of Probate is hereby empowered to license and authorize the Executors or Administrators of such estate to sell so much of the real Estate of the deceased as will satisfy the just debts which the deceased owed at the time of his death & legacies bequeathed by his last Will & Testament—And every Executor or Administrator being so licensed & authorized shall & may by Virtue of such Authority make and execute in due form of law good & valid conveyance of the state so sold to the purchaser or purchasers their Heirs and Assigns forever—

And be it further enacted That when it shall appear to the Judge of Probate on any application for leave to sell any such real estate for either of the causes before mentioned that a part of such real estate will be sufficient for said purposes—And that selling such part and not the whole would be very injurious to the persons interested in such estate the said Judge notifying all concerned to appear and Shew cause to the Contrary and upon no sufficient cause to the contrary being shewn shall and may give leave to sell the whole—And the said Judge may previous to granting such leave take Bond of the Executor or Administrator to account for the proceeds of such sale and after such debts or legacies are paid the Residue shall be to the use of those in whom the property of such real Estate so sold was—And where such persons are Minors the said Judge may order the Executor Administrator or Guardian of such Minors to put such money out at Interest for the benefit of such Minors taking sufficient Security for the same—

And be it further enacted that no Administrator shall be obliged to account with the Judge of Probate for the appraised Value of any personal Estate if such Administrator shall produce the personal estate so appraised—

## [CHAPTER 79.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE WILLIAM BOYNTON TO HIS LAW

[Passed February 15, 1791. Original Acts, vol. 12, p. 101; recorded Acts, vol. 6, p. 341.]

Whereas William Boynton hath Petitioned the General Court setting forth that in February Anno Domini 1789, he gave a note of Hand to one Edward Wells for about thirteen pounds on Certain conditions and Lodged the same Note in one James Princes Hands to be delivered up to said Wells whenever said Conditions should be performed, which never were, Notwithstanding which the said Prince delivered the said Note to the said Wells, and an Action was brought against the said Boynton on the same at the Inferior Court of Common Pleas, held at Portsmouth on the first Tuesday of November Anno Domini 1789. which Action was Continued to February Term then next when and where (the said Boyntons Attorney not attending as expected) was defaulted and an Execution was issued against him in consequence of said Default and praying that he might be restored to his Law and allowed a new hearing that he might have Liberty to adduce Evidence by the Impropriety of his paying said Demand—The facts being proved and the prayer appearing reasonable—Therefore

Be it Enacted by the Senate and House of Representatives in General Court convened that the Judgment rendered against said Boynton on said Note be annulled, render'd Void, and to be of no effect, and that the said Boynton, be, and hereby is authorized and empowered to bring forward and enter said Action at the Superior Court of Judicature to be holden at Portsmouth within and for the County of Rockingham on the fourth Tuesday of April next, and the Justices of said Court are hereby empowered to hear try and determine said Action, and admit any pleas that may be necessary to bring the same to an issue—And be it further Enacted that the said Boynton shall serve the said Wells with an Attested Copy of this Act thirty days before the sitting of said Court, and if the said Boynton should neglect to enter said Action at said Superior Court, then the said Wells shall have Liberty to file a Complaint against said Boynton on the Judgment recovered against him and the Judges of said Court are hereby authorized and empowered to enter up Judgment for such Damages and Costs as they shall think Just—

## [CHAPTER 80.]

*State of  
New Hampshire.* }

## AN ACT SUBJECTING LANDS &amp; TENEMENTS TO THE PAYMENT OF DEBTS &amp; DIRECTING THE MODE OF LEVYING EXECUTIONS ON REAL AND PERSONAL ESTATE.

[Passed February 15, 1791. Original Acts, vol. 12, p. 102; recorded acts, vol. 6, p. 342. Laws, 1792 ed., p. 122.]

Be it enacted by the Senate & House of Representatives in General Court convened that all lands & Tenements belonging to any person in his own proper right in fee shall stand charged with the payment of all just debts owing by such person as well as his personal estate & shall be liable to be taken in execution for satisfaction of the same, where the Debtor or his Attorney shall not expose to view and tender to the Creditor or Officer personal estate sufficient to answer the sum mentioned—in the execution with the Charges.—

And all executions duly served upon any lands and Tenements being returned into the Clerk's Office of the Court out of which the same issued & there recorded shall make a good title to the party for whom they shall be so taken his Heirs & Assigns forever.

Provided nevertheless that in Case the said Debtor or Debtors their Executors or Administrators shall any time within one year from the return of any execution levied on real estate into the Clerks Office from whence it issued go to the Creditor or Creditors their Executors Administrators or Assigns & tender and pay to them the full of the debt and Charges mentioned in such Execution and the Interest for such debt and Charges from the time of the return of such execution into the Clerks Office as aforesaid every such debtor or debtors their heirs Executors or administrators shall reenter into such lands and Tenements by due process of law; and be reestablished in their former estate in such lands & Tenements, as if such Execution had never been levied upon the same,—

And be it further enacted that when any person shall alienate any lands & Tenements to him of right belonging with intent to defeat & defraud his Creditors of their just debts such conveyance not being made for good & valuable Consideration truly paid or secured to be paid, all such sales and alienations shall be deemed covenous and fraudulent and shall be of none effect to bar any person from recovering such debt as is to him owing.

And be it further enacted that the manner of levying Executions on real estate shall be as follows—The Creditor shall deliver his execution to the Sheriff of the County or his deputy

where the debtors lands and Tenements lie; who shall cause three Appraisers to be chosen one by the Creditor or Creditors another by the debtor or debtors, if he or they so please, and the third by the Sheriff which appraisers shall be reputable freeholders & residents in such County And, in all Cases, where the debtor shall on due Notice neglect or refuse to chuse an Appraiser the Officer shall appoint one for such debtor or debtors And the said Appraisers having taken their Oaths before any Justice of the peace faithfully & impartially to appraise such lands & Tenements as shall then be shewn them as the estate of such debtor or debtors shall appraise the same to satisfy the execution with the Officers fees and set off such lands & Tenements by metes and bounds And the Sheriff shall thereupon deliver possession and Seisin thereof to such Creditor or Creditors or to his or their Attorney which being returned and recorded shall be a good title to such Creditor or Creditors saving the equity of redemption as is by law provided—

And when it happens that lands & Tenements cannot be divided & set out by metes and bounds as aforesaid then such Sheriff shall extend such Execution upon the rent of such lands & Tenements and give seisin thereof to such Creditor or Creditors or his or their Attornies and shall cause the tenant or tenants thereof to attorn and become Tenant or Tenants of such Creditor or Creditors and to pay their rents to him or them accordingly, and upon refusal thereof to turn such tenant or tenants out of the possession thereof and give livery seizin and possession of the same to such Creditor or Creditors to hold & enjoy such lands & Tenements till such Judgment interest & fees be fully satisfied & paid reserving thereout the Widows dower or thirds if any be

Provided always that it shall & may be lawful for such debtor or debtors or his or their Agent or attorney at any time or times before such Judgment Interest and Charges be fully satisfied to tender and pay to such Creditor or Creditors the full of his debt interest and charges or such part thereof as may be due and the said Creditor is hereby obliged to accept the same and surrender up to such debtor or debtors his Agent or Attorney such lands & Tenements & deliver up quiet and peaceable possession thereof any law usage or custom to the Contrary notwithstanding

And be it further enacted that when any goods or Chattels shall be taken to satisfy an Execution issuing upon a Judgment obtained such Goods or Chattels shall be safely kept by the Officer at the expense of the debtor for the space of four days next after they are so taken And if within that time, the Owner shall not redeem the same by otherwise satisfying the Execution such goods and Chattels shall be sold at public vendue to the highest bidder having first been advertised by the posting up of



Notifications of the time and place of sale forty eight hours before the expiration of the said four days at two of the most public places in the town or place where the sale is to be;—And the money arising upon such Sale shall be applied to the paying of the Charges and to the satisfying of the Execution and the Officer shall return the overplus if any there be to the debtor—And the Officer who is possessed of the execution shall make return of the same with his doings therein particularly describing the Goods taken and sold and the sum for which each article was struck off.—And if any officer shall be guilty of any fraud in the sale or the return as before mentioned he shall be liable to the debtor to pay him five times the sum defrauded to be recovered by Action on the Case.

And be it further enacted that when execution shall be levied on any estate for the purpose of satisfying such execution and after the levying thereof it shall appear that such estate levied upon did not at the time of levying belong to the debtor then and in every such Case upon the Application of the Creditor to the Court or Justice from whom such execution issued such Court or Justice may order a Writ of Scire facias to issue against such debtor requiring him to appear before said Court or Justice and shew cause if any he have why an alias Execution should not issue against him for debt and Costs and if such debtor being duly summoned shall neglect to appear in obedience to such Writ or appearing shall not shew sufficient cause why an alias Execution should not issue against him the Court or Justice shall thereupon order an Alias Execution against such debtor for debt and Costs or if they think just they may award Execution for debt only and in all Cases they may if they think it just add the fees of levying to the Costs—And the doings by virtue of the former execution shall be considered as void and of no effect in law—But if it shall appear to the said Court or Justice that the Creditor had no just cause for such application the debtor shall recover against the Creditor double Costs and the Court or Justice shall award execution accordingly—

Provided nevertheless that no Application by any Creditor shall be sustained after the expiration of three years from the time of extending & levying execution as aforesaid—

## [CHAPTER 81.]

*State of  
New Hampshire.* }

## AN ACT FOR THE EASE AND RELIEF OF PERSONS IMPRISONED FOR DEBT.—

[Passed February 15, 1791. Original Acts, vol. 12, p. 103; recorded Acts, vol. 6, p. 346. Laws, 1792 ed., p. 140.]

Be it enacted by the Senate and house of Representatives in General Court convened that any person imprisoned on mesne process in any civil action or upon execution founded on a proper action of debt, covenant, contract or promise shall be permitted and allowed to have a chamber and lodging in any of the houses or apartments belonging to such prison and liberty of the yard thereto belonging but not to pass without the limits of the prison yard upon reasonable payment to be made for chamber room to the prison keeper not exceeding one shilling <sup>7</sup>/<sub>12</sub> week, such prisoner giving bond to the Creditor with two sufficient sureties being freeholders in this State to be bound jointly and severally in double the sum for which such prisoner is imprisoned with condition in the same bond underwritten in the form following namely “The condition of the above obligation is such that if the above bounden                      now prisoner in the Goal in at the suit of                      do and shall from henceforth continue a true prisoner in the custody guard and safe keeping of                      keeper of the said prison, or in the custody, guard and safe keeping of his deputy officer, steward or some one of them within the limits of said prison as by law established until he shall be lawfully discharged without committing any escape until such discharge then this obligation to be void or else to abide in full force and virtue.” And the blanks in said condition shall be filled up as the respective cases may require—And if the Sureties be not approved by the Creditor his agent or Attorney who prosecutes or who prosecuted the said action then any two Justices of the Superior Court, Court of Common pleas or a Justice of the Superior Court with a Justice of the Court of Common pleas or either of said Justices with a Justice of the peace who are disinterested approving thereof and certifying such their approbation on the back of said bond shall be deemed sufficient, and shall remain with the Sheriff or Goal keeper till the creditor demand the same when it shall be given up to him and the Sheriff or Goal keeper shall not be liable to any action for any escape of any such prisoner after the executing of such bond. And on condition broken the said Creditor may put the said bond in suit and shall be entitled to recover his just debt, damages & costs for which such prisoner was committed together with prison charges and shall be allowed ten <sup>7</sup>/<sub>12</sub> Cent:

interest from the time of commitment and the said Court shall chancer the said bond accordingly. Provided always that when any person shall be committed on mesne process or execution founded on any such prison bond he shall remain in close Goal or prison in the same manner as though this Act had not been made.—And on all executions issuing on any prison bond a minute that such execution issues on a prison bond shall be made on the back thereof for the direction of the Goal keeper.—

And be it further enacted That when any person committed on execution recovered on proper action of debt, covenant contract or promise shall not have at the time of his commitment or at any time afterwards estate to the value of ten pounds such person may at the expiration of thirty days from the time of commitment apply to any two Justices of the superior Court of Judicature or any two Justices of the Court of Common Pleas in the County where any such person is committed or one of the Justices of said Superior Court and one of the Justices of said Court of common pleas or to either of said Courts while sitting in the same Town where such prisoner is committed and pray to be admitted to take the oath herein after prescribed

And such Court or Justices applied to shall notify in writing the Creditor if within this State or the Attorney who appeared in the cause in case the creditor live more than forty miles from the prison or out of the State; or in case of the Creditors living out of this State his agent or factor of the application made to them as aforesaid and of the time when and place where they will attend to administer the oath prescribed to such debtor giving reasonable time for attendance of the party notified and such notice being given or left in writing at the place of abode of the party so to be notified a reasonable time before the time ordered for such Caption if the Creditor can make it appear to the satisfaction of said Justices that the prisoner hath practised fraud, deceit or falshood in the management of his estate real or personal to take advantage of this Act he shall not be admitted to swear but if no sufficient objection is made by the Creditor or some other person the said Justices shall administer the following oath to the Debtor, namely,

I solemnly swear that I am not the owner of any real or personal estate either in possession, remainder or reversion or in possession of any person or persons for me of the value of ten pounds lawful Money exclusive of one necessary suit of apparel at any just and reasonable valuation, nor have I since the commencement of the action whereon the Execution by virtue of which I am imprisoned issued any way embezzled, destroyed, concealed or transferred any such estate with a view of defrauding any of my creditors or changed possession of the same for that purpose or for any advantage to myself or any depending on me or support, nor any way done anything like it either

directly or indirectly—And I also add that I have not at any time with a view and design of injuring, defrauding or delaying payment of my debts done any of the matter or things herein before mentioned by any way or means whatever—

So help me God—

Which oath shall be repeated by the person who takes it.—And the Justices administering said oath shall certify their proceedings to the keeper of the Goal in the following manner—namely—

ss To keeper of the Goal at on the  
day of at A. R. a prisoner in your custody  
for debt at the suit of C D of &c took the oath prescribed in an  
Act for the ease and relief of persons imprisoned for debt, the  
said C D having been duly notified (did or did not attend) and  
in our opinion the said A R ought to be discharged—

E H }  
H I } Addition.—

And thereupon the said Debtor satisfying the prison keeper for past charges shall be discharged unless the Creditor or some person for him pay the prison keeper weekly five shillings lawful Money Pr week for the support and maintenance of such debtor and on default or neglect of paying for one week or satisfying the prison keeper therefor the prison keeper shall discharge the prisoner.—

And be it further enacted that all and every judgment obtained against any such prisoner shall notwithstanding such discharge as aforesaid be and remain good and effectual in law to all intents and purposes against any estate whatsoever which may then or at any time afterwards belong unto any such prisoner and a new Execution may issue at any time against the goods, chattles, lands and tenements of such prisoner in the same way and manner as might have been done if the prisoner had never been in execution and the said Debtor's estate shall also be liable to pay prison charges during all the time of his imprisonment.—

## [CHAPTER 82.]

*State of  
New Hampshire.* }

### AN ACT FOR THE PUNISHMENT OF LEWDNESS, ADULTERY AND POLYGAMY.

[Passed February 15, 1791. Original Acts, vol. 12, p. 104; recorded Acts, vol. 6, p. 350. Laws, 1792 ed., p. 257.]

Be it enacted, by the Senate, and House of Representatives, in General Court convened, that if any man, be found in bed, with another man's wife; the man, and woman, so offending,

or if any man and woman, either, or both of whom, are married, and not to each other, shall lewdly and lasciviously associate and cohabit together, or if any man or woman, married or unmarried, shall be guilty of open, gross lewdness, and lascivious behaviour; the person or persons, so offending, being thereof convicted, before the Justices of the Superior Court of Judicature, shall be whipped not exceeding thirty stripes, imprisoned not exceeding six months, fined not exceeding fifty pounds, bound to good behaviour, for a term not exceeding three years; all or any of the foregoing punishments at the discretion of the Court, before whom, the conviction shall be. Provided always, that the case first abovementioned, of a man and woman being found in bed together, shall be construed to extend only to the person consenting thereto, and not to the person, who was surprized in that situation, and who did not consent thereto.

And be it further enacted, That any man or woman, who shall commit adultery, and be thereof convicted before the Superior Court of Judicature, shall be set on the Gallows, for the space of one hour, with a rope about his or her neck, and the other end thereof cast over the Gallows, be publicly whipped not exceeding thirty nine stripes, imprisoned not exceeding one year, be fined, not exceeding one hundred pounds, bound to good behaviour for a term not exceeding five years, any or all the foregoing punishments, in the discretion of the Court, before whom the conviction shall be.—

And be it further enacted, That any person within this State, being married, who shall during coverture, marry any other person or who shall continue to live so married in this State, being thereof convicted, shall be set on the Gallows, for the space of one hour, with a rope about his or her neck, and the other end thereof cast over the Gallows, be publicly whipped, not exceeding thirty nine stripes, be imprisoned not exceeding one year, fined, not exceeding one hundred pounds, be bound to good behaviour, for a term not exceeding five years.—all or any of the foregoing punishments, in the discretion of the Court, trying the same.—

“Provided always, that nothing in the foregoing clause, shall be “construed to extend to any person, whose husband or wife, shall “be absent for the space of three years, together;—and the person “so absent, hath not been heard of, during that time; or to any “person, whose husband or wife shall be absent, and information “shall be given, and generally believed, that the party so absent “is dead.—

“And be it further enacted, That all marriages, where either “of the parties, at the time of entering into such marriage, “shall be under coverture, shall be absolutely void.

## [CHAPTER 83.]

*State of  
New Hampshire.* }

## AN ACT TO INCORPORATE THE EPISCOPAL SOCIETY IN PORTSMOUTH—

[Passed February 15, 1791. Original Acts, vol. 12, p. 105; recorded Acts, vol. 6, p. 352.]

Whereas a petition has been preferred to the General Court by the Church Wardens of Queens Chapel in Portsmouth in behalf of the Episcopal Society setting forth that said Parish or Society labour under many inconveniencies for want of a legal incorporation—and praying that said Society may be incorporated and formed into a body politic and corporate by the name of “St John’s Church” with all the previledges and immunities necessary or incident to a religious Parish or Society and be inabled to hold said Church, Church Yard and lands purchased by said Parish and grants and endowments which have been heretofore made or which hereafter may be made said Parish—and in the name of the Church Wardens for the time being to demand sue for and recover any real or personal property belonging to said Parish of any person who hath illegally possessed or who may hereafter possess himself thereof—and also praying that the name of said Church may be changed from “Queen’s Chapel” to “St John’s Church” and it appearing reasonable that the same should be done Therefore

Be it enacted by the Senate and house of Representatives in General Court convened that the aforesaid Parish or Society be and hereby are incorporated and formed into a body politic & corporate by the name of “St Johns Church” with all the previledges and immunities necessary or incident to a religious parish or Society—with power to hold the Church and Church yard and all grants and endowments heretofore made or that hereafter may be made said Church with full power and authority to sue for and recover in the name of the Church Wardens for the time being any real or personal property belonging to said Church of any person who already hath or hereafter may have any such property in his hands or possession and to do and transact all and every act that any Parish or religious Society may or by law can do within this State

And be it further enacted that the name of said Church be changed from “Queen’s Chapel” to “St John’s Church and that the annual meeting for chusing Parish Officers and transacting other necessary business be holden on the monday next following Easter to be notified and warned according to law by the Church Wardens for the time being—And said Parish are hereby im-

powered at any annual meeting to agree upon the method of calling any other meeting that may be thought necessary—

Provided always that the annual income arising from endowments made for the benefit of said Church shall not exceed the sum of three hundred pounds—And this act shall not be construed to allow said Parish to take possession of or recover any Glebe lands granted by any Governour of the Province of New Hampshire or land Granted to the Society for propagating the Gospel in foreign parts—

# [CHAPTER 84.]

*State of  
New Hampshire.* }

## AN ACT TO INCORPORATE AN ACADEMY IN THE TOWN OF CHARLESTOWN BY THE NAME OF CHARLESTOWN ACADEMY—

[Passed February 16, 1791. Original Acts, vol. 12, p. 106; recorded Acts, vol. 6, p. 354.]

Whereas the education of youth hath ever been considered by the wise and good an object of the highest consequence to the safety and happiness of a people as at an early period of life the mind easily receives & retains impressions and is most susceptible of the rudements of useful knowledge

And whereas William Page Esquire in behalf of the inhabitants of said Charlestown hath petitioned this court praying that the Legislature would pass an Act to incorporate an Academy in said town

Be it therefore enacted by the Senate and house of Representatives in General Court convned that there be and hereby is Established in the town of Charlestown in the County of Cheshire in said State an Academy by the name of Charlestown Academy for the purpose of promoting piety & virtue and for the education of youth in the English Latin & Greek Languages, in writing Arethmetic Music and the art of speaking practical Geometry Logic & geography as opportunities may hereafter permit and as the Trustees herein after provided shall direct—

And be it further enacted that the honorable Simeon Olcott Benjamin Bellows John Hubbard & Sanford Kingsbury Esquires Samuel Hunt & William Page Esquires the Reverend Buckley Olcot & the Reverend Thomas Archibald all in the County of Cheshire and State aforesaid be and they hereby are nominated & Appointed Trustees of said Academy and they hereby are incorporated into a body Politic by the name of Charlestown Academy and that they and their Successors shall be and continue a body politic by the same name forever

And be it further enacted that the said Trustees and their

successors shall have one common seal which they may make use of in any cause or Business that relates to the said office of Trustees of said Academy and they shall have power and Authority to brake change or renew the said seal from time to time as they shall see fit and that they may sue and be sued in all actions real personal & mixed and Prosicute and defend the same to final Judgment and execution by the name of the Trustees of Charlestown Academy

And be it further enacted that the Said Simeon Olcott and other the Trustees aforesaid the longest livers and survivors of them and their successors be the true and sole Visitors Trustees and Governors of the said Academy in perpetual succession forever to be continued in the way and manner hereafter specified with full power and Authority to elect such officers of the said Academy as they shall Judge necessary and convenient and to make and ordain such Laws Orders and rules for the Government of said Academy as to them the said Trustees Governors & Visitors aforesaid and their Successors shall from time to time according to the Various Occasions and circumstances Seem most fit & requisite All which shall be observed by the officers Scholars & servants of the said Academy upon the penalties therein contained provided notwithstanding that the said rules Laws and orders be no way contrary to the laws of this State

And be it Further enacted that the number of said Trustees and their successors shall not at any one time be more than eleven nor less than seven a major part of whom to wit the whole number of Trustees at any time shall constitute a quorum for transacting business and the major part of the number present at any Legal meeting shall decide all questions that shall come before them, That the principal Instructor for the time being shall ever be one of said Trustees, that a major part of said Trustees shall be laymen & respectable Freeholders And to perpetuate the succession of said Trustees Be it further enacted that as often as one or more of the Trustees of said Academy shall die or resign, or in the Judgment of the major part of the other Trustees rendered by age or otherwise incapable of discharging the duties of his office then and so often the Trustees surviving and remaining or the major part of them shall elect one or more persons to supply the vacancy or vacancies so happening

And be it further enacted that the Trustees aforesaid and their successors be and they hereby are rendered capable in law to take and receive by Gift, Grant devise bequest or otherwise any Lands tenements or other estate real or personal provided that the annual income of said real estate shall not exceed the sum of three Hundred pounds and the annual income of the said personal estate shall not exceed the sum of Seven hundred



pounds both Sums to be valued in silver at the rate of six shillings & eight pence by the ounce

To have and to hold the Same to the said Trustees and to their Successors on such terms and under such provisions and limitations as may be Expressed in any deed or Instrument of conveyance which shall be made to them Provided always that neither the said Trustees nor their successors shall ever hereafter receive any grant or donation the conditions whereof shall require them or any others concerned to act in any respect counter to the design of the first grantor or grantors or any prior donation and all deeds & instruments which the said Trustees may lawfully make Shall when made in the name and by order of the said Trustees and signed and delivered by the Treasurer & sealed with the Common seal bind the said Trustees and their successors and be valid in Law—

And whereas the said Institution may be of very great advantage to the State and deserves every encouragement

Be it therefore enacted that all the lands Tennements and personal estate within this State that shall be given to said Trustees for the use of Said Academy shall & hereby are exempted from all Taxes whatever so long as they remain for the use of said Academy And that the Students at said Academy be exempted from paying a pole Tax

#### [CHAPTER 85.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PHYSICIANS BY THE NAME OF THE "NEW HAMPSHIRE MEDICAL SOCIETY"—

[Passed February 16, 1791. Original Acts, vol. 12, p. 107; recorded Acts, vol. 6, p. 357.]

As health is essentially necessary to the happiness of Society and as its preservation or recovery is closely connected with the knowledge of the animal Economy and of the properties and effect of medicine and as the benefit of medical Institutions formed on liberal principles and encouraged by the Patronage of the Law is universally acknowledged—

Be it therefore enacted by the Senate and house of Representatives in General Court convened, that Josiah Bartlett, Joshua Bracket, Ammi Ruhami Cutter, Hall Jackson, Nathaniel Peabody, William Page, Moses Carr, James Bracket, John Rogers, John Jackson, Ezra Green, Ebenezer Rockwood, William Cogswell, Kendall Osgood, George Sparhawk William Parker Samuel Tenney Benjamin Page, & Isaac Thom. be, and they hereby are formed into, constituted and made a body politic

and corporate by the name of the "New Hampshire Medical Society" and that they and their Successors and such other persons as shall be elected in the manner herein aftermentioned shall be and continue a body politic and corporate by the same name forever—

And be it further enacted, that the fellows of said Society may from time to time elect a President, Vice President and Secretary with such other Officers as they shall Judge necessary and convenient—And the Fellows of said Society shall have full power and authority from time to time to determine and establish the names number and duty of their several officers and the tenure and estate they have in their offices respectively and also to authorise and impower their President or some other officers to administer such oaths to such officers as they the Fellows of said Society shall appoint and determine for the well ordering and good government of said Society provided the same be not repugnant to the laws of this State—

And be it further enacted, that the Fellows of said Society shall have one common seal and power to break change and renew the same at their pleasure—

And be it further enacted that the Fellows of said Society may sue and be sued in all actions real personal and mixed and to prosecute and defend the same unto final Judgment and execution by the name of the "New Hampshire Medical Society"—

And be it further enacted, that the Fellows of said society may from time to time elect such persons to be fellows thereof as they may judge proper and that they, the fellows of said Society, shall have power to suspend expel or disfranchise any fellow of said Society—

And be it further enacted, that the fellows of said Society shall have full power and authority to make and enact such rules and bye laws for the better government of said Society as are not repugnant to the laws of this State and to annex reasonable fines and penalties to the breach of them not exceeding the sum of twenty pounds, to be sued for and recovered by said Society and to their own use in any Court of Record in this State proper to try the same and also to establish the time and manner of convening the members of said Society and also to determine the number of fellows that shall be present to constitute a meeting of said Society and also that the number of said Society who are Inhabitants of this State shall not at any time be more than seventy nor less than fifteen and that their meeting shall be held in Concord or such other place within this State as a majority of the members present in a legal meeting shall judge most fit and convenient—

And where as it is clearly of importance that a just discrimination should be made between such as are duly educated and

properly qualified for the duties of their profession and those who may ignorantly and wickedly administer medicine whereby the health and lives of many valuable individuals may be endangered or perhaps lost to the community—

Be it therefore further enacted that the President and fellows of said Society or such of their officers or fellows as they may appoint shall have full power and authority to examine all Candidates for the practice of Physic and Surgery who shall offer themselves for examination respecting their skill in their profession and if upon such examination the said Candidates shall be found skilld in their profession and fitted for the practice of it they shall receive the approbation of the Society in letters testimonial of such examination under the seal of said Society signed by the President or such other person or persons as shall be appointed for that purpose—

And be it further enacted, that if the said President and such other person or persons so elected and appointed for the purpose of examining candidates as aforesaid shall obstinately and unreasonably refuse to examine any candidate so offering himself for examination as aforesaid such and every such person so elected and appointed as aforesaid shall be subject to a fine not exceeding one hundred pounds nor less than twenty pounds to be recovered by the said Candidate and to his own use in any Court within this State proper to try the same—

And be it further enacted that it shall be the duty of the said Medical Society from time to time to describe and point out such a medical instruction or education as they shall judge requisite for candidates for the practice of physic and surgery previous to their examination before them or their officers appointed for that purpose respecting their skill in their profession, and shall cause the same to be published in two of the Newspapers printed in different Counties in this State—And every Candidate examined and approved by the President and Fellows of the said Society or such of their Officers or Fellows as they shall appoint shall be held to pay such reasonable fees of office as shall be established by said Society for the examination of Candidates and letters testimonial in favour of such as shall be approbated—And the Treasurer of said Society for the time being shall have full power and authority to sue for and recover the same in any Court proper to try the same—

And be it further enacted that the fellows of said Society may and shall forever be deemed capable in Law of holding and taking in fee simple or any less estate by gift, grant, devise or otherwise any lands tenements or other estate real or personal provided that the annual income of the whole real estate that may be given, granted or devised to, or purchased by the said Society shall not exceed the sum of two hundred pounds and the annual income or interest of said personal estate shall not exceed the

sum of one thousand pounds. And the annual income or interest of the said real and personal Estate together with the fines and penalties paid to said Society or recovered by them shall be appropriated to such purposes as are consistent with the end and design of the institution of said Society and as the fellows thereof shall determine

And be it further enacted that his Excellency Josiah Bartlett Esquire be and he hereby is authorised and directed to fix the time and place for holding the first meeting of said Medical Society and to notify the Fellows thereof accordingly—

### [CHAPTER 86.]

*State of* }  
*New Hampshire.* }

#### AN ACT DIRECTING THE PROCEEDINGS, IN CASE OF FORCIBLE ENTRY OR DETAINER, OF LANDS OR TENEMENTS.

[Passed February 16, 1791. Original Acts, vol. 12, p. 108; recorded Acts, vol. 6, p. 360. Laws, 1792 ed., p. 125.]

Be it enacted, by the Senate, and House of Representatives, in General Court convened, That two Justices of the peace, quorum unus, shall have authority to enquire by a Jury, of any forcible and unlawful entry, into lands or tenements, or forcible detaining the same, and also of any forcible and unlawful detaining and holding any lands and tenements, where the entry was lawful. And such forcible entry and detainer, or forcible detainer, being found by the verdict of the Jury, the said Justices may fine the party, guilty of such forcible entry or detainer, to the use of the County, in a sum, not exceeding four pounds—and shall and may award restitution of the premises, so forcibly entered upon or detained, without any enquiry into the merits of the title of either party.—

And be it further enacted, That when any complaint shall be made in writing, to any two Justices of the peace, quorum unus, of any such unlawful, and forcible entry or detainer, they shall issue a warrant in this act prescribe, directed to the Sherrieff of the same County, or his Deputy, commanding him, to apprehend the person, against whom, such complaint shall be made, and to bring him before the said Justices, at a day in such warrant named, and at a place therein mentioned; and they shall also issue a precept to the said Sherrieff or his Deputy, commanding him, to cause to come before them, twelve men, having the qualifications by law required of petit Jurors; Serving at the Superior Court, at a certain time and place, in such precept to be mentioned; and at the said time and place appointed for trial or hearing the said Complaint, if a sufficient number of Jurors, summoned by the

Sherriff, do not attend, the said Justices may order the Sherriff to compleat the number by returning others forthwith, and the Jury being empannelled, shall be sworn, well and truly to try the forcible entry, or the forcible detainer, complained of according to their evidence, and to return a true verdict thereof—and if the Jury, after a full hearing, find the person, against whom the complaint is made, guilty of the forcible entry or detainer complained of, they shall all sign their verdict; and the said Justices shall enter up judgment for the complainant to have restitution of the premises, and shall impose such fine not exceeding four pounds, as they, considering all the circumstances, may think just; and shall tax cost for the complainant; and may commit the person against whom the judgment is so made, until the fine be paid—and the said Justices shall also award their writ of restitution, in the form, in this act prescribed, and there shall be no appeal from the judgment of the said Justices.—But if the Jury find, that the person complained against is not guilty, the complaint in their opinion, not being supported, the said Justices shall tax cost for the said person, complained against, and shall issue execution accordingly.—

And be it further enacted, That if the Sherriff or his Deputy, cannot find the party, against whom the said warrant issued, he may, four days before the time appointed for returning the same, leave an attested copy of said warrant, at the usual place of the abode of such person, and if at the return of his warrant, he shall not have been able, to fine or apprehend the person against whom the same warrant issued, he shall make return of such facts, and that he hath so left an attested copy, and when the same was done, and if the said party doth not appear at the time appointed, for hearing the said Complaint, the said Justices may proceed to the hearing in the same manner, as tho' such absent party was present, except that they shall not in this case, inflict any fine upon him;—and in all cases, they may, in their writ of restitution order the cost taxed, to be levied,—but in every such case, if the jury, do not find for the complainant, there shall be no cost taxed for the party complained against, he, not having appeared at the empannelling of the Jury.—

And be it further enacted, That the proceedings, before the said Justices, may be removed by Certiorari, unto the Superior Court to be holden in the same County, and if irregular, may be there quashed.—

And be it further enacted, That any judgment of the said two Justices, shall not be a bar, to any after action, brought by either party.

And be it further enacted, That this act shall not extend to any person, who hath had the occupation, or been in the quiet possession of any lands or tenements, by the space of three whole

years together, next before, and whose estate therein is not ended or determined.—

And be it further enacted, That each juror shall be allowed the same for his travel, as is allowed to Jurors for travel, at the Superior Court, and two shillings for the verdict, to be paid by the Complainant.—The Justices shall have six shillings each, for the trial, two pence <sup>7</sup>/<sub>16</sub> mile for the travel, out and in, and the parties, witnesses and Sherriff, shall be allowed for the service of the warrants, summonses, travel and attendance, the same as in other cases.—

And be it further enacted, That the warrant for apprehending the party complained against, the precept to the Sherriff, for returning Jurors, the oath to be administred to the Jurors, their verdict, and the writ of restitution, shall be made out, issued, administred and drawn up, in the forms following, namely—

#### THE WARRANT

State of New Hampshire, } To the Sherriff of said County of  
ss } or his Deputy——Greeting

Whereas A. B. of &c Addition hath exhibited unto us E. F. and G. H. Justices of the peace, in and for the County of \_\_\_\_\_aforesaid, unus quorum, a complaint against C. D. of &c Addition setting forth that——(here the substance of the Complaint shall be inserted)——Therefore we command you in the name of the State of New Hampshire, to apprehend the said C. D. (if he may be found within your precinct) and bring him before us at——on the——day of ——at——of the Clock, in the——noon, then and there to make, answer to, and defend against the complaint aforesaid, and further to be dealt with, according to Law.—But if the said C. D. is not to be found within your precinct, you are required to leave an attested copy of this warrant, at the usual place of the abode of the said C. D. four days at least, before the said——day of——; and make return of this warrant with your doings thereon, unto us at——aforesaid, on the said——day of——Dated at——the ——day of——Anno Domini

E. F. } Justices of the peace  
G. H. } Quorum unus

#### PRECEPT FOR JURORS.

State of New Hampshire, } To the Sherriff of said County of  
ss } of——or his Deputy——  
Greeting.

We command you in the name of the State of New Hampshire, to cause to come before us, at——on the——day of ——at——o'Clock in the——noon, twelve men, having the qualifications by law required, of petit Jurors, serving at

the Superior Court, to try the truth of a complaint, exhibited to us E. F. and G. H. two of the Justices of the peace, in and for said County of———quorum unus, by A. B. of &c Addition against one C. D. of &c Addition for a forcible entry or detainer; (as the case may be) and make return of this writ, with your doings thereon, unto us at———on the———day of———aforesaid. Dated at the———day of———Anno Domini.—

E. F. } Justices of the peace  
G. H. } Unus Quorum

#### JURORS OATH.

You solemnly swear, that you will well and truly try the truth of the Complaint of A. B. exhibited to you, against C. D. according to the evidence given you, and return a true verdict thereof—So help you God.

#### THE VERDICT.

———ss. At a Court of enquiry held at———on the———day of———Anno Domini———before E. F. and G. H. two of the Justices of the peace, in and for the County of———aforesaid, quorum unus.

A. B. of &c Addition Complainant, against C. D. of &c Addition respondent—

The Jury find, that the facts alledged in the said A. B's. complaint are true; that the said C. D. is guilty thereof, and that the said A. B. ought to have restitution of the premises therein described, without delay—(or in case the Jury conceive, the Allegations of the Complainant are not supported, then,)

The Jury find that the facts contained, in the said A. B's complaint, not being fully proved, the said C. D. is not guilty.

_____	_____	} Foreman,
_____	_____	
_____	_____	} Jurors—
_____	_____	
_____	_____	
_____	_____	
_____	_____	
_____	_____	
_____	_____	
_____	_____	

#### WRIT OF RESTITUTION.

State of New Hampshire } To the Sherriff of the County of  
ss } ——aforesaid, or his Deputy——  
Greeting.

[L. S.] Whereas A. B. of———Addition At a Court of enquiry of forcible entry and detainer, holden at———in our said County of———upon the———day of———in the year of our Lord———, before E. F. and G. H. two Justices of the peace, for our said County of———, quorum unus, by the the consideration of said Justices recovered judgment against C. D. of———Addition to have restitution of———(here describe the premises, as in the complaint) We therefore command you that, taking with you the force of the County, if necessary, you cause the said C. D. to be immediately removed from the premises, and the said A. B. to have peaceable restitution of the same—We also command you that of the Goods, chattels or lands of the said C. D. within your precinct, you cause to be paid and satisfied, unto the said A. B. at the value thereof in money the sum of———being the cost taxed against the said C. D. for the said A. B. at the Court aforesaid, together with one shilling and four pence, more, for this writ, and thereof also to satisfy yourself, for your own fees, and for want of goods, chattels or lands, of the said C. D. to be by him shewn unto you, or found within your precinct, to the acceptance of the said A. B. to satisfy the sums aforesaid; we command you to take the body of the said C. D. and him commit to either of the Goals in our said County of———and detain in your custody, within said Goal, until he pay the full sums aforesaid, with your fees, or until he be discharged by the said A. B. or otherwise by order of Law.—Hereof fail not, and make return of this writ, with your doings therein, unto our said Justices, within twenty days, next from the date hereof. Witness E. F. and G. H. aforesaid at———the———day of———Anno Domini———

## [CHAPTER 87.]

*State of  
New Hampshire* }

### AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES NOT CAPITAL

[Passed February 16, 1791. Original Acts, vol. 12, p. 109; recorded Acts, vol. 6, p. 365. Laws, 1792 ed., p. 252. See additional act of December 18, 1792.]

Be it enacted by the Senate & House of Representatives in General Court convened that every person convicted of drunkenness shall be fined in a sum not exceeding ten Shillings nor less than five to the use of the town or place where the Offence is committed and upon a second conviction for the like offence the fine shall be double & upon a third conviction for the like offence the fine shall be treble that is in Case of a second conviction the fine shall not be less than ten nor more than twenty Shillings and in Case of a third or any after conviction Not less than fifteen nor more than thirty Shillings—And in Case the Person



convicted be unable to pay, or doth not immediately pay the fine imposed and Cost of prosecution he shall be set in the Stocks not exceeding three hours, or be committed to the common Gaol there to remain not more than three days

And be it further enacted, that if any person of the Age of fourteen years or upwards shall wittingly willingly & maliciously make & publish a lie or shall falsely & maliciously make & publish a libel tending to the defamation or damage of any person or shall maliciously publish any such lie or libel with intent to injure any person the Person so offending shall on conviction be fined not exceeding forty Shillings And the Court or Justice before whom such conviction may be may order the Person convicted to find Sureties for good behaviour for a Term not exceeding one year And if the person convicted and sentenced as aforesaid shall be unable to pay the fine inflicted & Costs of prosecution the Court or Justice before whom the Conviction may be may order the person convicted to be set in the Stocks not exceeding three hours.

And be it futher enacted that if any person shall steal any money personal Goods or Chattels or any record Writ Process or other proceeding in any of the Courts in this State or any paper that shall contain on it evidence of a debt Covenant Contract or promise or that shall contain on it evidence of the payment or discharge of any debt Covenant Contract or promise or that shall contain on it evidence of the payment or discharge of any debt Covenant Contract or promise the persons so offending their Counsellors Aiders and abettors knowing of and privy to the offences aforesaid being thereof convicted shall be fined not exceeding one hundred pounds or whipped not exceeding thirty nine Stripes and shall be further sentenced to pay treble the value of the goods or other Articles stolen to the owner thereof any of the articles stolen being returned undamaged to be accounted part according to the Value thereof—

And if such offender be unable to make restitution or pay such three fold damages he may be enjoined or sentenced to make Satisfaction by Service and the person to whom such satisfaction is to be made is hereby empowered to dispose of the said Convict in Service for such term of time as shall be ordered and assigned by the Court or Justice before whom the Conviction shall be.—

And every Justice of the peace in the County where such offence is committed is hereby authorized to hear and determine all offences for stealing or receiving stolen Goods—provided the value of the property stolen exceed not the sum of forty Shillings And may sentence any such offender to pay a fine not exceeding forty Shillings or to be whipped not exceeding ten Stripes and in Case of inability to pay the threefold damages to make satisfaction by Service.

And be it further enacted that if any person shall receive or buy any Goods or Chattels or other things taken & Stolen from any other person knowing the same to be stolen or shall receive & harbour any thief or thieves knowing him her or them to be so the person so offending being thereof convicted shall be liable to the like punishment as in the Case of larceny before mentioned and prescribed

And be it further enacted that if any person shall wilfully & corruptly commit perjury or shall by any means procure any other person to commit wilful & corrupt perjury or shall swear falsely on his or her Oath or affirmation in any suit Controversy matter or cause depending in any of the Courts in this State or in his or her Oath or Affirmation administered by any person having lawful right to administer the same in or concerning any matter or thing whatever or in any deposition taken pursuant to the laws of this State every person so offending & being thereof convicted shall be imprisoned not exceeding one year, fined not exceeding one hundred pounds and shall stand in the pillory one hour & shall thereafter be rendered incapable to give testimony in any Court or before any Justice of the peace in this State so long as the said Judgment is unreversed and shall moreover be liable to pay all such damages as any person may have sustained by reason of any such offence having been committed as aforesaid.—

And be it further enacted that if any person shall wilfully & corruptly endeavour to incite another person to commit wilful and corrupt perjury as aforesaid and the person so incited do not commit such perjury the person so corruptly endeavouring to incite & procure the Commission of wilful & corrupt perjury as aforesaid being thereof convicted shall be fined a sum not exceeding fifty pounds or be imprisoned not exceeding six months or both according to the aggravation of the Offence

And be it further enacted that if any man shall commit fornication with any Single woman and be thereof convicted every person so offending shall be fined a sum not exceeding sixty Shillings And if unable to pay may be whipped not exceeding ten Stripes provided always that in this Case the Oath of the Woman only shall not be considered as sufficient evidence to convict the man—

And be it further enacted that if any person or persons shall assault or beat any person or persons or in any other way break the peace such person or persons on conviction thereof shall be fined at the discretion of the Court or Justice before whom the Conviction shall be in a sum not exceeding forty Shillings according to the aggravations of the offence.—

And be it further enacted that if any person shall on purpose & of malice aforethought unlawfully cut off the ear or ears or cut out or disable the tongue, put out an eye, slit the Nose, cut

off the Nose or a lip or cut off or disable any limb or member of any person with intention in so doing to maim or disfigure such person in any of the manners aforesaid every person so offending his Counsellors Aiders and abettors knowing of and privy to any of the Offences aforesaid shall on conviction thereof be imprisoned not exceeding Seven years & fined not exceeding three hundred pounds—

And be it further enacted that if any person or persons shall knowingly & wilfully obstruct resist or oppose any Sheriff or other officer of this State in serving or attempting to serve or execute any mesne process or Warrant or any rule or order of any of the Courts of this State any legal order or command of any Justice of the peace within this State or any other legal or judicial Writ or process whatsoever or shall assault beat or wound any officer or other person duly Authorized in serving or executing any Writ rule order process or Warrant as aforesaid or if any person shall by force set at liberty or rescue any person arrested or committed by virtue of any mesne process order Warrant Writ of execution or any other Writ issuing from any Court of record or any Justice of the peace within this State in any civil cause or in any criminal cause not capital every person so knowingly & wilfully offending shall upon conviction be imprisoned not exceeding twelve months & fined in a sum not exceeding ninety pounds.

And be it further enacted that if any persons to the number of twelve or more being armed with Clubs or other Weapons or if any number of persons consisting of thirty or more shall be unlawfully riotously routously and tumultuously Assembled any Justice of the peace Sheriff Deputy Sheriff of the County or Constable of the town shall among the Rioters or as near to them as he can safely come command silence while proclamation is making and shall then proceed to make proclamation in these or the like words "By virtue of a law of this State I am directed to charge "and command and do accordingly in the name of the State of "New Hampshire charge & command all persons here assembled "to disperse immediately & depart peaceably to their habitations "or lawful employment"

And if any person or persons so unlawfully assembled shall refuse or neglect to disperse & depart peaceably but shall continue unlawfully riotously routously or tumultuously assembled for the space of one hour after proclamation made as aforesaid or if any person or persons shall wilfully & forcibly let or hinder any such Officer who shall be known or shall openly declare himself to be such from making the said proclamation every person so offending shall on conviction be punished by imprisonment not exceeding one year and by fine not exceeding three hundred pounds

And be it further enacted that if any person shall openly deny

the being of a God or shall wilfully blaspheme the name of God Jesus Christ or the holy Ghost or shall curse or reproach the Word of God that is the Canonical Scriptures contained in the Books of the old & new Testaments namely Genesis Exodus Leviticus Numbers Deuteronomy Joshua Judges Ruth Samuel Samuel Kings Kings Chronicles Chronicles Ezra Nehemiah Esther Job Psalms Proverbs Ecclesiastes the Song of Solomon Isaiah Jeremiah Lamentations Ezekiel Daniel Hosea Joel Amos Obadiah Josiah Micah Nahum Habakkeck Zephaniah Haggai Zachariah Malachi Matthew Mark Luke John Acts Romans Corinthians Corinthians Galatians Ephesians Phillippians Colosians Thessalonians Thessalonians Timothy Timothy Titus Philemon Hebrews James Peter Peter John John John John Jude Revelations every person so offending shall be punished by fine not exceeding fifty pounds and may be bound to good behaviour for a term not exceeding one year—

#### [CHAPTER 88.]

*State of  
New Hampshire.* }

#### AN ACT RELATIVE TO THE ATTESTATION OF WILLS—

[Passed February 16, 1791. Original Acts, vol. 12, p. 110; recorded Acts, vol. 6, p. 368. Laws, 1792 ed., p. 216.]

Be it enacted by the Senate and House of representatives in general court convened that no nuncupative will shall be good where the estate thereby bequeathed shall exceed the value of thirty pounds, which is not proved by the oaths of three or more witnesses who were present at the making thereof; nor unless it be proved that the testator at the time of pronouncing the same, did bid the persons present or some of them, bear witness, that such was his will, or to that effect: nor unless such nuncupative will be made in the time of the last sickness of the deceased, and in the house of his or their habitation or dwelling or where such person hath been resident for the space of ten days or more, next before the making such will: except when such person was surprised, or taken sick being from his own home, and died before he returned to his dwelling—

And be it further enacted, that after six months passed from the speaking the pretended testamentary words, no testimony shall be received to prove any nuncupative will, except said testimony or the substance thereof be committed to writing within six days after making said will—

And be it farther enacted, that no letters testamentary or probate of any nuncupative will shall pass the seal of any court untill fourteen days at least after the decease of the testator;

nor shall any nuncupative will be received to be proved, unless process hath first issued to call in the widow or next of kindred to the deceased, to the end that they may contest the same if they please.

And be it further enacted, that no will in writing concerning any goods and chattels or personal estate, shall be repealed or revoked; nor shall any clause devise, or bequest therein, be altered or discharged, by any words, or will by any word of mouth only, except the same be in the life time of the testator committed to writing, and read to him, and be proved so to be done, by three witnesses at least.—

Provided always, any soldier being in actual military service, or any mariner or seaman, being at sea, may dispose of his moveables, wages, and personal estate as he might have done before the making this act.—

And for removing doubts in the attestation of wills—

Be it further enacted, that if any person shall attest the execution of any will or codicil, to whom any beneficial devise, legacy estate interest gift or appointment of, or affecting any real or personal estate other than and except charges on lands tenements and hereditaments, for the payment of any debt or debts, shall be thereby given or made such devise, legacy estate interest gift or appointment shall, so far only as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly null and void; and such person shall be admitted as a witness to the execution of such will or codicil, notwithstanding such devise legacy estate interest gift or appointment mentioned in such will or codicil—

And be it further enacted that when any lands tenements or hereditaments are in any will or codicil charged with the payment of debts, and any creditor whose debt is so charged hath attested the execution of such will or codicil, such creditor notwithstanding shall be admitted, and deemed a legal witness to the attestation of such will or codicil—

And be it further enacted, that when any person hath attested the execution of any will or codicil, to whom any legacy is thereby given, whether charged upon lands tenements or hereditaments or not; and such person having been paid, or having accepted, released, or having refused to accept upon tender thereof made, such person shall be admitted and deemed a legal witness to the execution of such will or codicil.

And be it further enacted, that in case of such tender and refusal, as aforesaid, such person shall not be intitled to such legacy or bequest but be barred therefrom. And in case of such acceptance as aforesaid, such person shall retain to his own use, the legacy or bequest so paid and accepted, notwithstanding such will or codicil shall afterwards be adjudged or determined to be void for any defect whatever—

And be it further enacted, that in case any such legatee as aforesaid who hath attested the execution of any will or codicil, shall have died in the life time of the testator or before he shall have received or released the legacy or bequest so given him, and before he shall have refused to receive such legacy or bequest on tender thereof made; such legatee shall be deemed a legal attesting witness to the execution of such will or codicil.

Provided always, that the credit of every witness attesting any will or codicil in any of the cases mentioned in this act, and all circumstances relating thereto, shall be subject to the consideration and determination of the court or jury before whom any such witness shall be examined, or his testimony or attestation made use of; in like manner as the credit of witnesses in all other cases ought to be considered of, and determined—

And be it further enacted, that no person, to whom any beneficial estate interest gift or appointment, shall be given or made, which is hereby enacted to be null and void as aforesaid or who shall have refused to receive any such legacy or bequest on tender made as aforesaid, and who shall have been examined as a witness concerning the execution of such will or codicil, shall after he shall have been so examined, demand or take possession of, or receive any profits or benefits of, or from any such estate, interest gift or appointment so given or made to him in or by any such will or codicil; or demand receive or accept from any person or persons whatsoever any such legacy or bequest or any satisfaction or compensation for the same, in any manner, or under any colour or pretence whatsoever—

## [CHAPTER 89.]

*State of  
New Hampshire.* }

AN ACT PRESCRIBING THE TIME AND MODE OF REDEEMING REAL ESTATE MORTGAGED OR CONVEYED BY DEED OF BARGAIN AND SALE WITH DEFEAZANCE.—

[Passed February 16, 1791. Original Acts, vol. 12, p. 111; recorded Acts, vol. 6, p. 371. Laws, 1792 ed., p. 206. See additional act of January 15, 1795.]

Be it enacted by the Senate and house of Representatives in General Court convened that all real estate conveyed or pledged by Mortgage or deed of Bargain and sale with defeazance may be redeemed by the mortgager or vender his heirs, executors, administrators or assigns on payment of all the sums of money to secure the payment of which such mortgage or deed was made agreeably to the tenor and effect of the condition in such mortgage contained or in such writing of defeazance expressed or on performance of the condition on which such real Estate was

mortgaged or conveyed, or in case any action hath been brought and final judgment rendered thereon then on payment of such sum or sums of money as the damages and Costs in such judgment mentioned with the fees and charges on any writ of seizen that may have issued thereon with Interest for such damages and costs to the time of redemption shall amount unto, or in Case any such action may be pending then on payment of all such Costs as may have arisen on any such suit in addition to the payment and performance of the condition in such mortgage or writing of defeazance contained and expressed. Provided such payment or performance in all the cases before mentioned shall be made or tender thereof made to the mortgagee or Vendee his heirs, executors, administrators or Assigns within one year after such mortgagee or Vendee or the person claiming under him shall have entered into and have taken peaceable possession of such real estate for the condition broken or within one year after such person shall have been in peaceable and continued actual possession of such estate after the condition broken whether such possession in either case shall have been gained by process of law or by peaceable entry without such process.—

And in all cases where payment shall be made or tendered as aforesaid or the condition on which any real estate was conveyed shall be performed then the said mortgage or Deed of bargain and sale with defeazance shall be utterly void, and the mortgagee or vendee his heirs, executors, administrators or those claiming under him at the request of the mortgager his heirs, executors, or administrators and tender of his reasonable charges therefor shall thereupon repair to the office where such Mortgage or deed of conveyance is recorded and shall acknowledge such satisfaction and payment to be entered in the margin of the record of such deed or mortgage and shall sign the same which shall be sufficient evidence of the discharge and release of such mortgage or deed and perpetually bar all actions brought thereupon or shall otherwise make and execute a good and sufficient quit claim and release to the estate mortgaged or conveyed and shall acknowledge the same before a Justice of the peace and on refusal or neglect for the space of ten days so to do, he shall be liable to make good all damages for want of such discharge or release to be recovered by special action on the Case with treble costs of suit.—

## [CHAPTER 90.]

*State of  
New Hampshire.* }

AN ACT GRANTING TO CERTAIN PERSONS THEREIN NAMED THE EXCLUSIVE RIGHT OF BUILDING A TOLL BRIDGE OVER MERRIMAC RIVER AT ANY PLACE BETWEEN ONE MILE BELOW ISLE HOOKSET FALLS SO CALLED AND ONE MILE ABOVE THE SAID FALLS AND REGULATING THE TOLL OF SAID BRIDGE

[Passed February 17, 1791. Original Acts, vol. 12, p. 112; recorded Acts, vol. 6, p. 373.]

Whereas Jacob Green Enoch Noyce William Duncan and Daniel Livermore have preferred a Petition to the General Court praying for the Grant and exclusive Right of building a Bridge over Merrimac River at some Place between one Mile below Isle Hooksett Falls so called and one Mile above the said Falls under such Regulations as the General Court should think fit and it appearing to be for the public Good that such a Bridge should be built.—

Therefore be it enacted by the Senate and House of Representatives in general Court convened that the exclusive Right of building a Toll Bridge over said River at any Place between one Mile below Isle Hookset Falls and one Mile above the said Falls be and hereby is granted to Jacob Green Enoch Noyce William Duncan and Daniel Livermore their Heirs and Assigns forever to hold as Tenants in common and not as joint Tenants

Provided always that the Grant made to the said Jacob Green and others is upon this express Condition that the said Jacob Green and others build a Bridge over said River and complete it before the 31<sup>st</sup> Day of August one Thousand seven Hundred and ninety three and provided the same be approved of by the Justices of the Superior Court for the Time being and provided also that it shall be the Duty of the said Green and others their Heirs and Assigns to keep said Bridge in good repair and to answer all Damage that shall accrue by any want of repairs of said Bridge and on neglect of keeping the same in good repair they shall forfeit the Right and Privilege herein granted unto them

And be it further enacted that the Toll to be taken by the Proprietors of said Bridge shall be and hereby is established in the following Manner Viz

For every foot Passenger two Thirds of one penny

For every Passenger and Horse two Pence

For every loaded Team or Waggon one Shilling & two pence

For every empty Cart or Waggon with the Team nine pence

For every Chaise Sulkey or riding Chaise with one Horse nine pence



For every horse Cart with the Horse six pence  
 For every Coach or Phaeton two Shillings  
 For every Ox or Cow one penny  
 For every smaller neat Creature two Thirds of a penny  
 For every Sheep or Swine one third of a penny  
 For every loaded Sled six pence  
 For every loaded Sleigh three pence  
 For every Waggon with two Horses nine pence

## [CHAPTER 91.]

*State of  
 New Hampshire.* }

AN ACT SUSPENDING THE OPERATION OF SUNDRY ACTS THEREIN  
 ENUMERATED UNTIL A CERTAIN TIME THEREIN MENTIONED

[Passed February 18, 1791. Original Acts, vol. 12, p. 113; recorded Acts, vol. 6, p. 375. Laws, 1792 ed., p. 437. See additional act of January 5, 1792.]

Whereas the following Acts have passed the General Court the present Session Namely

An Act for establishing Courts of law for the administration of Justice within this State & designating their powers & regulating their proceedings in certain Cases—

An Act regulating Process & trials in civil causes.

An Act prescribing the forms of Writs in civil causes.

An Act for the punishment of certain Crimes.

An Act for the punishment of certain Crimes not capital

An Act for the punishment of lewdness Adultery & Polygamy

An Act regulating Mariages & for the registering of Mariages Births and Burials.

An Act to prevent incestuous Mariages & to regulate divorces

An Act for the punishment of profane cursing & swearing

An Act defining the duty and regulating the Office of Sheriff

An Act regulating Prisons

An Act for ease and relief of persons imprisoned for debt

An Act for regulating Towns & the choice of Town Officers

An Act for establishing an equitable method of making taxes & for ascertaining the powers of Selectmen

An Act declaring the duty and defining the power of Collectors of taxes

An Act directing the proceedings against deficient Collectors

An Act regulating fees

An Act for setting off debts mutual demands & Executions against each other

An Act subjecting lands and Tenements to the payment of debts and directing the mode of levying Executions on real or personal Estate

An Act declaring the mode of conveyance by deed

An Act prescribing the time & mode of redeeming real Estate mortgaged or conveyed by deed of bargain & sale with defeazance

An Act for the taking of Affidavits out of Court—

An Act for the convenient & speedy Assignment of Dower

An Act directing the proceedings in Cases of forcible entry or detainer of lands or Tenements

An Act for laying out highways

An Act relative to common fields & regulating fences.

An Act regulating Pounds

An Act relative to strays and lost goods

An Act allowing a certain premium for killing Wolves

An Act to prevent frauds & Perjuries

An Act punishing idle and disorderly persons—for the support of the poor & designating the duties & defining the powers of Overseers of the poor

An Act for the suppressing of lotteries—

An Act to restrain the taking of unlawful Interest

An Act for the maintenance of Bastard Children

An Act for preventing trespasses

An Act for the relief of Idiots & distracted persons

An Act relating to Attornies

An Act for the establishing of forms of Oaths

An Act for the equal distribution of Insolvent estates

An Act directing the proceedings against the Trustees of absent or absconding Debtors

An Act empowering the Judge of Probate to grant license to sell real estate in certain Cases

An Act relative to the Attestation of Wills

An Act regulating the Choice & service of Grand Jurors

An Act regulating Bail in civil Causes

And whereas it would be highly improper that the said Acts should take effect or be in force until they be printed & distributed through the State for the information of the People at large

Therefore Be it enacted by the Senate and House of Representatives in General Court convened that the said Acts & laws shall not be in force until the first day of November next any thing in said Acts and laws to the contrary notwithstanding

## [CHAPTER 92.]

*State of  
New Hampshire.* }

AN ACT TO ESTABLISH AN ACADEMY IN THE TOWN OF ATKINSON  
AND TO INCORPORATE THE TRUSTEES THEREOF—

[Passed February 17, 1791. Original Acts, vol. 12, p. 114; recorded Acts, vol. 6, p. 378.]

Whereas a virtuous and learned education has ever been esteemed highly conducive to promote the happiness of mankind an enlarged mind being the only sure barrier against the many evils which disturb the repose of Individuals and the tranquility of States. And the mind of man being most susceptible of virtuous principles and useful and ornamental knowledge at an early period in life

And Whereas the Rev<sup>d</sup> Stephen Peabody and others have petitioned the General Court praying that an Academy may be established in the Town of Atkinson in this State for the purposes in this Act mentioned—

Therefore be it enacted by the Senate and House of Representatives in General Court convened that there shall be and there hereby is established in the Town of Atkinson in the County of Rockingham in this State an Academy by the name of the "Atkinson Academy" for the purpose of promoting piety and virtue and for the instruction of youth in the english, latin and greek languages in writing, arithmetic, music and the art of speaking; in geography, logic and geometry as oportunities may permit and the trustees herein after provided shall direct—

And be it further enacted that His Excellency the President and the Honorable Council of this State for the time being and the Honorable Nathaniel Peabody Esq. the Rev<sup>d</sup> Stephen Peabody, Peter Clement, Benjamin Stone and William Coggs- well of said Atkinson Esquires the Rev Giles Merrill of Plastow the Honorable John Calf Esquire of Hampstead, James Mc- Gregore Esq. of Londonderry & Ezekiel Gile of Plastow Esq. be and they hereby are nominated and appointed trustees of said Academy and they are hereby incorporated into a body politic by the name of the "Trustees of the Atkinson Academy" and they and their Successors shall be and continue a body politic and corporate by that name forever—

And be it further enacted that the said Trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the office of trustees of said Academy and they are authorised to break, change and renew said seal as often as they shall see fit and they may sue and be sued in all actions real personal and mixed and may

prosecute and defend the same to final judgment and execution by the name of the "Trustees of the Atkinson Academy"—

And be it further enacted that the said President and Council for the time being and the said Nathaniel Peabody and others the trustees aforesaid and the longest lived and survivors of them the said Nathaniel Peabody, Stephen Peabody, Peter Clement, Benjamin Stone, William Coggeswell, Giles Merrill, John Calf James McGregor and Ezekiel Gile, and their Successors shall be the true and sole Visitors, Trustees and Governors of said Academy in perpetual succession forever to be continued in the way and manner herein after specified with full power and authority to elect such officers of said Academy as to them the said Trustees and their successors shall from time to time seem most fit and requisite and to make such necessary rules, orders and laws for the good government of said Academy as are not contrary to the laws of this State, all which shall be observed by the Officers, Scholars and Servants of said Academy upon the penalties therein contained—

And be it further enacted that the number of said Trustees and their Successors shall not at any time be more than sixteen nor less than twelve And when the said President and a majority of said Council are present a major part of said Trustees shall be requisite to constitute a quorum for transacting any business but when the said President and a majority of said Council are not present six of said trustees shall constitute a quorum. And a major part of the members present at any legal meeting of said Trustees shall decide all questions that shall come before them except in the instances herein after excepted—that the principal Instructor for the time being shall be one of the said trustees—that the major part of said Trustees shall be laymen and respectable freeholders of this State And to perpetuate the succession of said Trustees

Be it further enacted that as often as one more of the said Trustees other than said President and Council shall die or resign or in the judgment of the major part of the other Trustees be by age or otherwise incapable of discharging the duties of his said office then the said Trustees surviving and remaining or the major part of them shall elect one or more persons to supply the vacancy or vacancies so happening.

And be it further enacted that the said Trustees and their successors be and they hereby are rendered capable in Law to take and receive by gift, grant, devise, purchase or otherwise any estate real or personal provided the annual income of such real estate do not at any time exceed the sum of three hundred pounds and the annual income of said personal estate do not at any time exceed the sum of seven hundred pounds, said sums to be estimated in silver at six shillings and eight pence per ounce. To have and to hold the same to them the said Trustees and

their successors to the use of said Academy on such terms & under such provisions and limitations as may be expressed in any deed or Instrument of conveyance which shall be made to them—

Provided always that neither the said Trustees nor their successors shall ever receive any grant or donation the condition whereof shall require them or any others concerned to act in any respect counter to the design of the institution of said Academy or any prior donation thereunto made

And be it further enacted that all deeds and instruments which the said Trustees may lawfully make shall be made in the name and by the order of the said Trustees and signed and delivered by such officer as said Trustees or a major part of them shall appoint for that purpose and shall be sealed with their common seal and shall bind said Trustees and their successors and shall be valid in law—

And be it further enacted, that no estate real or personal so long as the same is held by said trustees to the use of said Academy shall be subject to the payment of any taxes and the Students of said Academy shall be exempted from the payment of any poll tax—

And be it further enacted that The Honorable Nathaniel Peabody Esquire be and he hereby is authorised and impowered to appoint the time and place of holding the first meeting of said trustees and to give notice thereof accordingly—And all other meetings of said Trustees shall be notified in such way and manner and held at such times and places as the said Trustees or a major part of them shall order and direct—

## [CHAPTER 93.]

*State of  
New Hampshire.* }

### AN ACT RELATING TO ATTORNEYS.

[Passed February 17, 1791. Original Acts, vol. 12, p. 115; recorded Acts, vol. 6, p. 381. Laws, 1792 ed., p. 102.]

Be it Enacted by the Senate and house of Representatives in General Court convened. That the plaintiff or defendant in any cause prosecution or suit, being a Citizen of this State may appear plead pursue or defend in his proper person or by such other Citizen of this State, being of good and reputable Character and behaviour as he may Engage and employ whither the person so employed be admitted as an Attorney at Law or not

And be it further enacted That all Attornies commonly practising in any of the Courts of Justice within this State shall be under Oath which Oath which shall be administered to them

by the Clerk in open Court before the Justices of the same at the time of their being admitted to such practice in the tenor following That is to say

You solemnly Swear that you will do no falshood nor consent that any be done in the Court and if you know of any that you will give knowledge thereof to the Justices of the Court or some of them that it may be reformed that you will not wittingly or willingly promote sue or procure to be sued any false or unlawful suit nor consent to the same, You shall delay no man for lucre or malice but shall act in the office of an Attorney within the Court according to the best of your learning and discretion and with all good fidelity as well to the Court as your Client

So help you God

And but one Attorney to be taxed in any bill of cost, Any law usage or custom to the Contrary Notwithstanding

[CHAPTER 94.]

*State of  
New Hampshire.* }

AN ACT TO PREVENT INCESTUOUS MARRIAGES & TO REGULATE DIVORCES

[Passed February 17, 1791. Original Acts, vol. 12, p. 116; recorded Acts, vol. 6, p. 382. Laws, 1792 ed., p. 265.]

Be it enacted by the Senate & House of Representatives in General Court convened that no man or Woman shall intermarry within the degrees hereafter mentioned that is to say

No man shall marry his	No Woman shall marry her
Fathers sister	Fathers Brother
Mothers Sister	Mothers Brother
Fathers Widow	Mothers Husband
Wife's Mother	Husbands Father
Daughter	Son
Wife's daughter	Husbands Son
Sons Widow	Daughters Husband
Sister	Brother
Sons daughter	Sons Son
Daughters daughter	Daughters Son
Sons Sons Widow	Sons daughters Husband
Daughters Sons Widow	Daughters daughters Husband
Brothers daughter	Brothers Son
Sisters daughter	Sisters Son

And if any man or woman within the degrees aforesaid shall intermarry every such Marriage shall be taken deemed & adjudged to be incestuous and the issue of such marriages shall be deemed illegitimate and be subjected to all the legal disabilities of such issue

And, every man or Woman within the degrees aforesaid who shall hereafter marry or carnally know each other and who shall be thereof convicted before the Superior Court of Judicature shall be set on the Gallows one hour with a rope about his or her Neck and the other end thereof cast over the Gallows, fined a sum not exceeding one hundred pounds imprisoned a term not exceeding one year and bound to good behaviour for a Term not exceeding five years any or all of the foregoing punishments in the discretion of the Court before whom the conviction shall be

And be it further enacted that divorces from the Bond of matrimony shall be decreed in Case the parties are within the degrees aforesaid or either of them had a former Husband or Wife alive at the time of solemnizing such second marriage knowing them to be alive or for impotency, for adultery in either of the parties, or where either of the parties shall be absent for the space of three years together and shall not be heard of or where the Husband shall willingly absent himself from the Wife for the Space of three years together without making suitable provision for Her Support & maintenance where it is in his power So to do.

And divorces may be granted for the cause of extreme cruelty in either of the parties

And the Justices of the Superiour Court of Judicature may in all Cases where a divorce is decreed restore to the Wife all or any part of her lands tenements & Hereditaments and may assign to the Wife such part of the real and personal estate of her late Husband as all circumstances duly considered they may think just and reasonable And they may use such process to carry their Judgment into effect as may be necessary and may compell the Husband to disclose on Oath what personal estate he hath received in right of his Wife and how the same hath been disposed of and what proportion thereof remained in his hand at the time of such divorce

Provided always and be it further enacted that no such decree of divorce or to dissolve the bonds of Matrimony shall operate to effect the legitimacy of any issue born or begotten in lawful matrimony unless it shall be so expressed in such decree.—

## [CHAPTER 95.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE AND ESTABLISH AN ACADEMY IN  
AMHERST.—

[Passed February 17, 1791. Original Acts, vol. 12, p. 117; recorded Acts, vol. 6, p. 384.]

Whereas, a petition has been preferred to the General Court of this State, by a number of persons in Amherst, and the adjacent towns, setting forth that they have at a very considerable expense erected, and for some time past maintained a public school in said Amherst, for the instruction of youth, in the learned languages, and other useful and necessary branches of literature, praying that they may be incorporated, in order to enable them to pursue the aforesaid laudable design with success; and it being of the greatest importance to every free Government, that encouragement be given to the cultivation of the human mind in early life; and as this Object is most likely to be obtained, under the direction of Societies, duly formed and incorporated, for this beneficial purpose.

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that there be, and hereby is an Academy established at Amherst in said State, by the name of the Aurean Academy; And that Joshua Atherton, Samuel Dana, Robert Means, William Gordon, Daniel Warner, John Shepard, Robert Fletcher, Nathan Kendall Jun<sup>r</sup> Samuel Curtis, Joseph Blanchard, Samuel Wilkins, and Daniel Campbell, Esquires.—Mess<sup>rs</sup> William Read, Nathan Cleaves, David Danforth, Isaac Baldwin, John Eaton, David Stewart, Thomas Gilmore, Samuel G. Towne, James Robey, John Watson, Jeremiah Hobson, Ebenezer Taylor, Johnathan Smith Jun<sup>r</sup>, and Ephraim Barker, all of Amherst, in the County of Hillsborough and State of New Hampshire, and Moses Kelly of Goffstown Esquire, M<sup>r</sup> Isaac Cochran of Antrim, Timothy Taylor and Jacob Macgaw, both of Merrimac, and Stephen Dole, of Bedford Esquires, all in said County, be, and they are hereby formed into, constituted and made, a body politic and corporate, by the said name of the Aurean Academy, and that they, and their Successors, and such other persons, as shall be elected in the manner hereafter mentioned, shall be, and continued a body politic and corporate, by the same name, forever.—

And be it further enacted, That the fellows of the said Academy, shall from time to time, elect Trustees of said Academy, a Treasurer, Secretary, and such other Officers of the said Academy, as they shall judge necessary and convenient; and that they shall have full power and Authority to determine and



establish the names, number, and duties, of their several Officers, and the tenure or estate, they shall respectively have, in their offices: and as many of the said Officers, as the said fellows shall judge proper, shall be under Oath, for the faithful performance of their respective duties; and it shall be the duty of the said Trustees, to make all wholesome rules, and regulations, as well for the observance of the Preceptor, as of the Students, to the said Academy belonging, and to visit the same from time to time.

And be it further enacted, That the fellows of said Academy, shall from time to time, elect such persons, to be fellows thereof, as they shall judge proper; and that they shall have power to expel, or disfranchise, any fellow or officer, of said Academy, who shall in the judgment of the said fellows, render himself unworthy of a place, or office in that Body;—And also to establish the rules, forms and conditions of elections expulsion, and disfranchisement. Provided, the number of fellows of said Academy, who are inhabitants of this State, shall not at any one time, be more than forty, nor less than fifteen.—

And be it further enacted, That the fellows of said Academy, shall from time to time, have full power to enact such reasonable rules, orders and bye laws, (not repugnant to the laws of this State,) as shall be necessary and convenient for the well ordering, and good government of themselves, and the officers of said Academy; and to annex reasonable, pecuniary fines, and penalties, to the breach of them, not exceeding five pounds, to be sued for, and recovered, in any court within this State, proper to try the same, in the name and for the use, of said Academy; and the said rules, orders or bye laws, to repeal at their pleasure; also to settle, and establish the times, places, and manner of convening the fellows of said Academy; and also to determine the number of fellows, who shall be present to constitute a meeting of the said Academy; and it shall be the duty of the said fellows, to meet once in a year at least.—

And be it further enacted, That the fellows of the said Academy, shall have one common Seal, which they may make use of, in whatsoever cause, or business, shall concern the Academy, or be relative to the end and design, of its institution, and they shall have full power from time to time, to break, change, and renew the common Seal, at their pleasure.

And be it further enacted, That they may sue, and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same, unto final judgment, execution and satisfaction, by the name of the fellows of the Aurean Academy.—

And be it further enacted, That the fellows of the said Academy, may and shall forever, hereafter, be deemed capable in the law, of having, taking and holding in fee simple, or otherwise by gift, grant, devise, or other manner, free of rates and taxes, any

lands, tenements, or hereditaments, or other Estate, real and personal;—Provided, the annual income of any real Estate so taken, shall not exceed the sum of three hundred pounds; and the annual income of any personal Estate so taken, shall not exceed the sum of Seven hundred pounds.—both of which sums are to be valued in silver, at the rate of six shillings and eight pence Pr Ounce: and the annual income, and interest, of all such estate,(unless particularly appropriated by the donor,) together with the fines and penalties aforesaid, shall be applied for the support of an instructor, or instructors, of the Students of said Academy; and for purchasing books, and other things, proper for the use of said Students, and other purposes consistent with the end, and design, of the institution of the said Academy, as the Trustees thereof shall determine—and said Students shall not be liable to any poll Tax.—

And be it further enacted, That the end and design of the institution of the said Academy, is to encourage, and promote virtue and piety, and the knowledge of the English, Greek and Latin languages, Mathematics, Writing, Geography, Logic, Oratory, Rhetoric and other useful and ornamental branches of literature.—

And be it further enacted, That the first meeting of the fellows of the said Academy, shall be held at the Court House, in said Amherst, and that Joshua Atherton Esqr be, and hereby is authorized and empowered to fix the time for holding said meeting, and thereof to notify the fellows of the said Academy, and to preside in said meeting, until some person shall be chosen for that purpose.—

#### VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of  
New Hampshire.* }

In the House of Representatives, January 11, 1791.

Resolved that the President give direction to the Commissary General of this State to deliver to the order of Rufus Graves one hundred and thirty stands of Arms with Bayonets and one hundred and thirty Cartouch Boxes & belts for the use of the Students of Dartmouth College the President of said College giving Bond in the Sum of three hundred pounds for the preservation of said fire Arms &c and for their Return when called for—

Senate concurred January 11, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, January 21, 1791.

Voted that his Excellency the President be requested to procure an accurate survey of the land owned by the state on the Island of New

Castle contiguous to fort William & Mary with a plan of the Fort and light house as soon as conveniently may be—

Senate concurred January 21, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, January 24, 1791.

Voted that the Excise on exciseable articles from & after the first day of October last to the first day of January instant be collected in the same way and manner as has heretofore been legally practised excepting only that no person who shall duly and to the best of his knowledge and Judgment on Oath render an Account of all the exciseable articles by him bought sold expended or owned within said term shall be liable to any prosecution for or on Account of his Selling Spirituous liquors within said term without license therefor and that an Act or Resolve be passed for that purpose,—

Senate concurred January 25, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, January 26, 1791.

Resolved that the managers appointed by and in behalf of the House of Representatives to manage the Impeachment exhibited by this House to the Hon<sup>ble</sup> Senate against Woodbury Langdon Esq<sup>r</sup> be instructed to enter a noli prosequi to said Impeachment—

Senate concurred January 26, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, February 2, 1791.

Voted that Thursday the Seventh day of April next be observed and kept as a day of public fasting humiliation and prayer throughout this state and that his Excellency the President Seasonably issue a proclamation for that purpose—

Senate concurred February 2, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, February 2, 1791.

Voted that any person or persons have liberty to remove a pier that was built by this State for a Bridge near Cap<sup>t</sup> John Blunts at New Castle to a place in the river at Portsmouth called and known by the Name of the Sunken rocks and fixing the same there as a Monument for Mariners provided this state is at no expence therefor—

Senate concurred February 4, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, February 12, 1791.

Resolved that there be and hereby is established the four following routs for posts to be appointed pursuant to this Resolve to ride through the interior parts of this State (viz)

The first beginning at Concord thence to proceed through Weare, New Boston, Amherst, Wilton, Temple, Peterborough Dublin Marlborough Keen Westmoreland, Walpole Acworth Charlestown, Claremont, Newport, Lempster, Washington Hillsborough Hinnekar, Hopkinton to Concord—

The Second from Concord to Boscawen Salisbury, Andover New Chester Plymouth Haverhill Piermont Orford Lyme Hanover Lebanon Enfield Canaan Grafton Alexandria Salisbury to Concord—

Third beginning at Portsmouth thence through Exeter Kingstown Plastow Hampstead Chester Londonderry Litchfield Goffstown Bow to Concord & to return through Pembroke Deerfield Nottingham by the way of New Market Bridge to Portsmouth—

Fourth from Portsmouth to Dover Rochester Wakefield Ossipee Tamworth Sandwich Center Harbour Plymouth Merideth Gilmantown Barnstead Barrington Durham to Portsmouth—

Each Post rider shall perform his rout weekly (Extraordinaries Excepted) and that those on the first and Second routs shall have twelve pounds each the one on the third rout nine pounds and the one on the fourth rout ten pounds for six months only commencing the first of April next and they shall reverse their respective routs weekly, provided and it is the intent of this resolve that All Acts proclamations public letters and every other matter belonging to the State be franked with the name of the public Officer communicating the Same and conveyed free of postage—

That the postage on all private single letters be six pence for every forty miles and four pence for every number of miles less than forty and other letters and packets according to their weight and bulk which shall be the exclusive perquisites of the post riders carrying the Same—That one person be appointed in each of the following Towns (viz) Portsmouth Exeter, Concord, Amherst Dover Keene Charlestown Hanover Haverhill and Plymouth whose duty it shall be to take charge of all matters which are to be conveyed by the posts and shall respectively receive as a compensation therefor two pence to be advanced on the postage of each private letter packett &c which shall pass through the respective offices, said post Officers to be nominated and appointed by the President & Council, notice of which under the Secretarys signature by order of the President shall be a Sufficient warrant for the respective officers to enter on the duty of their respective Office—

Provided also and it Shall be the duty of the Several post masters and post riders before they enter on their respective Office to give bond to the Treasurer of this State to the Acceptance of the President for the faithful performance of the trust reposed in them And said post Officers shall be allowed upon the exhibitions of their respective Accounts for Services and expenditures such further sums as the General Court shall adjudge reasonable and just—

Senate concurred February 15, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, February 12, 1791.

Resolved that John T Gilman, sanford Kingsbury & James Macgregore Esquires be and they hereby are appointed Commissioners to state the demands of this State against the United States And for this purpose they shall have access to all the papers and documents in in any public Office in this state, And the said Commissioners shall as soon as may be forward all such Accounts & demands of this State against the United States as are proper charges to be laid before the Commissioners appointed by congress to settle and adjust the Accounts between the United States and Individual states

And it shall also be the duty of said Commissioners first above mentioned to receive from any Towns or any Individuals in this State all accounts for any such Services done or loses Suffered in the late war, as would have been in case they had been presented within the time limited by Congress for receiving them, proper charges by this State against the United States—And the said Commissioners shall cause the times and places of their meetings to receive such Accounts with the nature and kind of Accounts to be received, the vouchers to be produced &c &c &c to be advertised throughout this State by causing the Same to be published in all the public papers printed in this State and the said Commissioners shall by the first day in June next close the Accounts so by them received and shall prepare a Petition to Congress to have the said Sums allowed of Submitted to the board of Commissioners appointed by Congress notwithstanding the time limited by Law of the United States is expired—And the Towns and Individuals shall receive from the state the benefit of all such allowances as shall be made this State by Congress on account of such demands of such Individuals so allowed—And the said Commissioners appointed by the Resolve as aforesaid shall certify the Towns and Individuals presenting such accounts of all such sums as they shall think well vouched—

Senate concurred February 14, 1791.

## [EIGHTH GENERAL COURT.]

*[Held at Concord and Portsmouth, Two Sessions, June 1, 1791  
to January 6, 1792.]*

## [OFFICERS OF THE GOVERNMENT.]

JOSIAH BARTLETT, PRESIDENT.

JOSEPH PEARSON, SECRETARY.

JOHN TAYLOR, TREASURER.

MOSES DOW, PRESIDENT OF THE SENATE.

NATHANIEL PEABODY, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Nathaniel Rogers,	Newmarket.
Joseph Badger, Jr.,	Gilmanton.
Robert Wallace,	Henniker.
Lemuel Holmes,	Surry.
Jonathan Freeman,	Hanover.

## MEMBERS OF THE SENATE.

Nathaniel Rogers,	Newmarket
James Sheafe,	Portsmouth.
Christopher Toppan,	Hampton.
Nathaniel Peabody,	Atkinson.
*Abiel Foster,	Canterbury.
John Waldron,	Dover.
Samuel Hale,	Barrington.
Robert Wallace,	Henniker.
Robert Means,	Amherst.
Sanford Kingsbury,	Claremont.
William Page,	Charlestown.
Moses Dow,	Haverhill.

\*John T. Gilman, Exeter, was elected, but resigned, and June 3, in convention, Abiel Foster was chosen to fill the vacancy.

## MEMBERS OF THE HOUSE.

## ROCKINGHAM COUNTY.

Brentwood,	Jabez Smith.
Candia,	Nathaniel Emerson.
Canterbury,	Abiel Foster.
Chester,	Benjamin Page.
Chichester,	Robert Tibbetts.
Deerfield,	Joseph Ward.
Epping,	William Plummer.

Exeter,	Benjamin Connor.
Greenland,	Joshua Weeks.
Hampton Falls,	Nathaniel H. Dodge.
Hawke,	Thomas Page.
Kensington,	Ebenezer Clifford.
Kingston,	John Eastman.
Londonderry,	James McGregor.
Loudon,	Jonathan Smith.
Northfield,	Charles Glidden.
North Hampton,	Moses Leavitt.
Northwood,	Jonathan Clark.
Nottingham,	Joseph Cilley.
Pembroke,	Daniel Knox.
Raymond,	Ezekiel Godfrey.
South Hampton,	Ezra Currier.
Stratham,	Jonathan Wiggins.
Windham,	James Betton.

## STRAFFORD COUNTY.

Barnstead,	John Tasker.
Barrington,	Isaac Waldron.
Conway,	Andrew McMillan.
Dover,	John Kelley.
Gilmanton,	Joseph Badger.
Meredith,	Ebenezer Smith.
Moultonborough,	Nathan Hoit.
New Durham,	Thomas Tash.
Rochester,	James Howe.
Sanbornton,	William Harper.
Sandwich,	Daniel Beede.
Somersworth,	James Carr.
Wakefield,	William Chamberlain.

## HILLSBOROUGH COUNTY.

Amherst,	Daniel Warner.
Bedford,	James Martin.
Boscawen,	J. Gerrish.
Goffstown,	Robert McGregor.
Hancock,	John Duncan.
Henniker,	William Wallace.
Hollis,	Daniel Emerson.
Hopkinton,	Benjamin B. Darling.
Lyndeborough,	Peter Clark.
New Ipswich,	Charles Barrett.
Peterborough,	John Smith.
Salisbury,	Ebenezer Webster.

Sharon,	Samuel Gregg.
Warner,	James Flanders.
Wilton,	Abiel Abbot.

## CHESHIRE COUNTY.

Acworth,	J. Bingham.
Alstead,	Oliver Shepard.
Chesterfield,	Moses Smith.
Dublin,	Samuel Griffin.
Fitzwilliam,	Abner Stone.
Jaffrey,	Abel Parker.
Keene,	Jeremiah Stiles.
New Grantham,	Samuel Duncan.
Plainfield,	Joseph Kimball.
Rindge,	Daniel Rand.
Stoddard,	Thomas Penniman.
Surry,	Lemuel Holmes.
Swanzey,	Elisha Whitcomb.
Walpole,	Aaron Allen.
Westmoreland,	Archelaus Temple.
Winchester,	John Alexander.

## GRAFTON COUNTY.

Bath, etc.	John Young.
Grafton,	Ebenezer Hoyt.
Hanover,	Jonathan Freeman
Holderness,	Moses Nichols.
Lebanon,	Elisha Payne.
Lyme,	Benjamin Norris.
New Chester,	Thomas Crawford.
Orford,	William Simpson.
Piermont,	William Tarlton.
Plymouth,	Benjamin Gould.



[*First Session, Held at Concord, June 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 1791.*]

[CHAPTER 1.]

*State of  
New Hampshire.* }

AN ACT PRESCRIBING THE DUTY & DIRECTING THE MODE OF  
CHOOSING REGISTERS OF DEEDS & COUNTY TREASURERS—

[Passed June 8, 1791. Original Acts, vol. 13, p. 1; recorded Acts, vol. 6, p. 387. Laws, 1792 ed., p. 163. See acts of December 13, 1776 and June 10, 1802.]

Be it enacted by the Senate & House of Representatives in General Court convened that the Inhabitants of each town & place in the respective Counties in this State, qualified to vote in the Choice of Representatives at some public meeting duly warned & holden some time in the month of March annually, give in their written Votes for a Register of deeds & for a County Treasurer—And the Votes shall be sorted and counted in open town meeting & a record made of the name or names of the person or persons voted for to each of said Offices—And the number of Votes each person had.—And the Clerk of such town or place shall proclaim the same in open town meeting. And shall transmit an attested Copy of the Record of the Votes for each of said Offices to the Court of General Sessions of the peace in the same County on the first day of the sitting of said Court at the Stated Term next after the month of March in every year And the Votes being examined by said Court the person having the highest number of Votes to each of said Offices shall be declared duly elected And shall continue in office one year from the time of declaring the election And until some person be chosen & qualified to enter upon the duties of said Office—

And no person shall be deemed eligible to either of said Offices who shall not be at the time of his election a Freeholder & Resident in the County in which he is chosen And no person shall be considered as qualified to enter upon the duties of either of said Offices until he hath taken the Oath by law prescribed for civil Officers and hath given Bond for the faithful discharge of the Trust with such sureties and in such penal sum as the said Court shall approve and order—which sum shall in no Case be less than three hundred pounds nor more than ten thousand pounds.—

Provided always & be it further enacted that it shall be in the power of the Justices of the Court of General Sessions of the peace to remove or displace the person holding either of said Offices for misconduct in discharge of his duty. And to declare said Offices vacant by reason of the death removal from the

County of any such Officer or by reason of such Officers becoming non Compos mentis.—

And be it further enacted that if it shall so happen that two or more Persons of those having the highest number of Votes for either of said offices should have an equal number of Votes the Justices of the said Court of General Sessions of the peace shall chuse one of the persons so having an equal number of Votes who shall be declared duly elected.—

And be it further enacted That in Case the person chosen into either of said Offices in either of the ways before mentioned shall decline accepting the office to which he is elected or shall be at the time of declaring such Choice non compos mentis or shall have at said time removed from the County or shall have died before the said choice is declared in every such Case the Justices of said Court shall by a majority of Votes elect a person to either of said Offices as the Case may be who shall be a freeholder & Resident in the same County who shall be sworn and shall give Bonds previous to his entering on the duties of his Office in the same manner as is before prescribed & who shall hold the office the same Term as tho' elected by the people.—

And be it further enacted That the Court of General Sessions of the peace at the term of said Court next after the month of March shall after persons shall have been chosen & qualified to enter upon the duties of each of said Offices proceed also by a majority of Votes to elect two persons freeholders and Residents in the same County One for each of said Offices to enter upon the duties thereof (after being sworn before two Justices of the peace quorum unus and after having given Bonds as before required) upon the death resignation or removal from Office of the person holding either of said Offices or upon such persons becoming non Compos mentis or removing from the County.— And such person shall thereupon be invested in the same Office in the same manner as if such person had been appointed thereto at any annual election and shall hold the Office until a person shall be chosen at the next annual election & qualified to enter upon the duties thereof.—

And be it further enacted that it shall be the duty of the said Register of deeds to keep his office daily (except on Sundays) open in the same County, And to keep the Books Records files & papers to the said Office belonging And for the fees by law established to record all deeds & Instruments in said office to be recorded that shall be brought to him for that purpose And every deed received and filed by the Register of deeds shall be recorded by him And he shall not suffer the same to be taken out of the office until the same be recorded.—

And be it further enacted that it shall be the duty of the County Treasurer to collect and receive all monies belonging or coming to such County And to improve and employ the same for the

defreying of County Charges as the Court of General Sessions of the peace shall from time to time in writing direct—And the said County Treasurer shall render a true Account to the said Court whenever thereto required of all sums by him as County Treasurer received and paid—And the said County Treasurer shall issue his Warrants to the Selectmen of the several towns and places in said County liable by law to pay State Taxes requiring them to Assess & cause to be collected their just proportion of all such sums as shall be voted granted & agreed to be raised by the said Court of General Sessions of the peace. In making said proportion the said Treasurer shall be governed by the existing laws establishing the proportion of public Taxes among the several towns & places in this State.—And the said Treasurer may enforce the Collection & payment of said several sums in the same manner as the State Treasurer may and can by law enforce the collection & payment of outstanding State Taxes.—

And the said Court of General Sessions of the peace shall make the said County Treasurer such allowance for his executing the duties of his office as to said Court shall seem reasonable

Provided always And be it further enacted that the order of the Superiour Court of Judicature or the Court of common pleas respectively shall be a sufficient Voucher for the payment out of the County Treasury of the Travel and attendance of the grand Jurors at the Superiour Court for the Travel of the petit Jurors at either of said Courts with the fees for Venires & the fees of the Clerks for examining and certifying the same & for the payment of all other sums which said Superiour Court, Court of common pleas or any person or persons by law are or may be authorized to order to be made out of the County Treasury.—

And be it further enacted that the Bonds to be given by the Register of deeds shall be given to the County Treasurer & his Successor in Office And shall be for the benefit of the person or persons injured by the misconduct of the Register of deeds in his said Office And shall be put in suit by order of the Court of General Sessions of the peace And execution shall be done from time to time for all such sums as any person or persons shall have recovered Judgment for against such Register of deeds And for which they shall not have otherwise obtained satisfaction.—

And the bonds given by the County Treasurer shall be given to the Clerk of the Court of General Sessions of the peace and shall be for the use of the County and shall be put in suit by order of the Court of General Sessions of the peace And Execution shall be done on Judgment obtained thereon for all such sums (not exceeding the amount of such Judgment) as the Treasurer shall be in arrear in his Account with the County—And the suit shall be commenced in an adjacent County notwithstanding neither party may be an Inhabitant therein

And be it further enacted That no Clerk of any Superiour Court of Judicature, Court of common pleas or Court of General Sessions of the peace shall at the same time be Register of deeds or County Treasurer Nor shall any person at the same time be Register of deeds & County Treasurer

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MEETING  
IN THE TOWN OF PROTECTWORTH—

[Passed June 9, 1791. Original Acts, vol. 13, p. 3; recorded Acts, vol. 6, p. 392.]

Whereas the Inhabitants of the Town of Protectworth in the County of Cheshire have Petitioned the General Court—Setting fourth that they are Subjected to sundry Inconveniencies on Account of their being Oblidged by Charter to hold their Annual Meeting on the Last Monday in March and praying that the time for holding said Annual Meeting might be altered from the said Last Monday to the Second Monday in said Month Annually in future which prayer Appearing Reasonable—

Therefore Be it Enacted by the Senate and House of Representatives in General Court Convened that the annual Meeting of the Inhabitants of the Town of Protectworth heretofore Established by Law to be holden on the Last Monday of March shall forever hereafter be annually holden on the Second Monday of said March any Law Usage or Custom to the Contrary notwithstanding

[CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT FOR RECORDING PROCEEDINGS BEFORE JUSTICES OF THE  
PEACE & FOR PRESERVING SUCH RECORDS.—

[Passed June 10, 1791. Original Acts, vol. 13, p. 4; recorded Acts, vol. 6, p. 394. Laws, 1792 ed., p. 98.]

Be it enacted by the Senate & House of Representatives in General Court convened that each Justice of the peace in this State shall keep a fair Record in a book or books of Records to be by him kept for that purpose of all proceedings whether civil or criminal had before him as a Justice of the peace And of all Oaths by him administred to town or public Officers

And be it further enacted that when any Justice of the peace shall die his Executor or administrator or other person into

whose hands & possession the Records and files of such deceased Justice shall come shall as soon as may be lodge the book of Records & files kept by such Justice of all business civil or criminal transacted by or before such deceased Justice in his said Office with the Clerk of the Court of Common pleas in the County in which such deceased person was a Justice of the peace—And the said Records files & papers shall be there kept by the said Clerk And if any Executor Administrator or other person having received such Records and papers unto his Custody shall not within six months from the time of his having so received them lodge the same with the said Clerk he shall for every months neglect after the expiration of the said Term of six months forfeit & pay to any person who will sue for the same the sum of Twenty Shillings.

And be it further enacted that when any Justice of the peace shall remove out of his County he shall lodge his Records & files as before mentioned with the Clerk as before mentioned on penalty of forfeiting for every months neglect of lodging the same after his removal from his County the sum of twenty Shillings to any person who will sue for the same

And be it further enacted that when the Commission of any Justice of the peace shall be renewed and he shall be reinvested in said Office he may issue Executions on any Judgment regularly & duly obtained or recovered before him during any former appointment & Commission in the same manner but not otherwise as tho his former Commission had not expired

And be it further enacted that every person who hath sustained the office of Justice of the peace shall & may on application to him certify any proceedings had before him as a Justice of the peace And the Clerk of the said Court of common pleas shall give attested Copies of Records & papers of deceased & removed Justices that may be lodged in his Office And they respectively shall be deemed for the purposes aforesaid proper certifying Officers.—

#### [CHAPTER 4.]

*State of  
New Hampshire.* }

#### AN ACT REGULATING THE OFFICE OF CORONER.—

[Passed June 10, 1791. Original Acts, vol. 13, p. 5; recorded Acts, vol. 6, p. 395. Laws, 1792 ed., p. 130.]

Be it enacted by the Senate and house of Representatives in General Court convened that every Coroner before he enters upon the Duties of his office, Shall be sworn to the faithful discharge thereof and shall give security in the same manner as Sheriffs by law are obliged to do.—

And be it further enacted.—

That it shall be the duty of the Coroner to take Inquests of the violent Deaths committed or casual Deaths happening within the County for which he is Commissioned—

And be it further enacted—

That it shall be the Duty of the Coroner and he hereby is empowered to serve and execute all Writs & Processes directed unto him when the Sheriff is a party—And the Coroner shall return Jurors, *de talibus circumstantibus*, where the sheriff is a party interested or related to either party, and in all such Causes the Coroner shall attend the Jury and shall have for all services enjoined on him in this Section the same fees by law allowed to the Sheriff for similar services.—

And be it further enacted—

That when any Coroner shall be certified of the dead body of any person supposed to have come to his death by violence or casualty found or lying within his County he shall cause a Jury of Inquest to be summoned to appear before him at a certain time and place to enquire how and in what manner the person so found dead came to his Death.—

And the number of Jurors to be summoned shall be eighteen in all—and they shall have the qualifications of petit Jurors attending the Courts of Common law—and shall be Inhabitants of the town or place where the dead body is found, or of that and the adjacent towns as the Coroner may order.—And the warrant or warrants for summoning them shall be directed to a Constable of the Town or place from which such Jurors are to be summoned, & in such Warrant shall be specified the number of Jurors to be summoned in such town or place—And the Constable to whom any such Warrant is directed and delivered is hereby empowered & directed forthwith to execute the same, and to repair to the place where the dead body is, at the time mentioned and make return of the Warrant with his doings thereon unto the Coroner who issued the same.—And twelve or more of the Jurors returned shall be sworn in view of the body, and the Coroner shall give them a charge upon their oaths to declare of the Death of the person whether he died of felony or of mischance or accident—And if of felony, whether of his own or of another—and if of the felony of another—who were principals and who were accessories—with what instrument he was struck or wounded and so of all prevailing circumstances that may come by presumption—And if he died of his own felony then to enquire of the manner, means or instrument & of all circumstances concerning it. And if he died by mischance or accident—Whether by the Act of man—and whether by hurt, fall, stroke, drowning or otherwise—To enquire of the persons, who were present, the finders of the body—his relations and neighbors—whether he was killed in the same place where he

was found, & if elsewhere by whom and how he was brought from thence, and of all circumstances relating to the said Death—And the Jury being charged shall stand together, and the Coroner shall cause proclamation to be made for all persons who can give Evidence how and in what manner the person then and there lying Dead came to his Death to draw near and they shall be heard.—

And every Coroner is further empowered to summon, and if necessary, to grant compulsory process for the appearance of Witnesses and to administer an oath to such Witnesses—And the testimony of such witnesses shall be drawn up in writing & subscribed by them—and if the Testimony of any witness or witnesses charge any person with killing or of being in any way instrumental to the death of the person so found dead, the Coroner shall bind such Witnesses by recognizance in a reasonable sum for their personal appearance at the next superior Court of Judicature to be holden within & for the same County, there to give Evidence accordingly and if any such Witness shall refuse to recognize as aforesaid the Coroner shall and may commit such witness to the common Goal of the County—And the Jury having viewed the body, heard the Evidence, and made all the enquiry within their power they shall draw up and deliver unto the Coroner their Verdict upon the Death under consideration in writing under their hands; and the Coroner shall set his hand and seal thereto—

And the Coroner shall return to the next Superior Court of Judicature holden in the same County the Inquisition written evidence & Recognizance (if any) by him taken.—

And be it further enacted—

that if any Constable shall unnecessarily fail of executing any Warrant directed and delivered to him as aforesaid or of returning the same as aforesaid he shall forfeit the sum of forty shillings.—

And every person summoned as a Juror as aforesaid that shall without reasonable excuse therefor fail of appearance he shall forfeit the sum of forty shillings—And the forfeitures aforesaid shall be recovered by Action of Debt before any Justice of the peace in the County where the same shall accrue and shall be one half to the use of the prosecutor and the other half to the use of the County—

And be it further enacted—

that upon an inquisition found before any Coroner of the Death of any person by the felony or misfortune of another he shall speedily inform one or more of the Justices of the same County thereof—to the Intent that the person killing or being any way instrumental to the Death may be apprehended, examined and secured in order for trial—

And be it further enacted—





oaths aforesaid do say that the said———in manner and form aforesaid———the aforesaid———then and there of his malice aforethought did kill and murder against the peace and dignity of this State and the laws of the same”——

If it appear to be self-murder then the inquisition shall conclude thus——

“And so the Jurors aforesaid upon their oaths aforesaid do say that the said———in manner and form aforesaid then and there voluntarily & feloniously as a felon of himself did kill & murder himself against the peace and dignity of said State——”

(If it appears that the death was by misfortune the Inquisition must conclude thus)

“And so the Jurors aforesaid upon their oaths aforesaid do say that the said———in manner aforesaid came to his Death by misfortune”——

If the Death was occasioned innocently by the hands of any other person—the inquisition must conclude thus——

“The Jurors aforesaid upon their oaths aforesaid say that the aforesaid D. H. the aforesaid———by misfortune and contrary to the will of the said D. H. in manner and form aforesaid did kill & slay——

In Witness whereof the said Jurors have hereunto set their hands the Day & year abovesaid

L. M.

N O &c.—

In Witness of all before written, the said Coroner hath hereunto set his hand & seal the same Day and year.

A. B.———[Seal]

## [CHAPTER 5.]

*State of*  
*New Hampshire.* }

AN ACT TO ENABLE THE JUDGE OF PROBATE FOR THE COUNTY OF CHESHIRE TO GRANT LICENCE TO SELL THE WHOLE OF THE REAL ESTATE OF DANIEL ADAMS LATE OF FITZWILLIAM DECEASED

[Passed June 10, 1791. Original Acts, vol. 13, p. 6; recorded Acts, vol. 6, p. 400.]

Whereas upon the petition of Thomas Adams of Jaffrey in the County of Cheshire Executor to the last will and testament of Daniel Adams of Fitzwilliam in Said County deceased Setting forth that the Claims Exhibited against Said estate amounted to more than the personal estate of the Same, in consequence of which a considerable part of the real as well as the personal estate must be sold in order that Said Claims might be discharged. and also that the widow of Said deceased being a

person of Such a feeble Constitution as to be unable to carry on her dower in said real estate so as to receive any benefit therefrom and praying that liberty might be given to sell the whole of said real estate and the money arising therefrom (excepting the dower of the widow and also so much as will pay the Just debts of the said deceased) be appropriated for the benefit of the heirs of Said deceased which prayer appearing So far Reasonable

Therefore be it enacted by the Senate and house of Representatives in general Court convened that the Judge of probate for the County of Cheshire be and he hereby is impowered if he Shall, think proper upon duly Considering all Circumstances Respecting the estate of Said Daniel Adams to grant a licence to the Said Thomas Adams to Sell all the real estate of Said testator proceeding as the law directs in granting licence to Sell real estate for the purpose of paying debts—and that he take Sufficient bond of the Said Thomas to account for the avails of the Said Sale agreeable to Said testators will—

## [CHAPTER 6.]

*State of  
New Hampshire.* }

### AN ACT REGULATING LICENSED HOUSES.—

[Passed June 14, 1791. Original Acts, vol. 13, p. 7; recorded Acts, vol. 6, p. 401. Laws, 1792 ed., p. 322.]

Be it enacted by the Senate and house of Representatives in General Court convened, that no person shall exercise the business of a Taverner or Retailer without licence, and if any person shall at any time without license first had and obtained in writing from the Selectmen of the Town or place where such person belongs, sell any Wine, Rum, Gin, Brandy or other spirits by retail, that is, in less quantities than one gallon sold, delivered and carried away at one & the same time, or shall sell any mixed liquors part of which are spirituous, such person shall for every such offence forfeit and pay the sum of forty shillings to be recovered by any person who will sue for the same, one half thereof to his own use, the other half to the use of the County where the Offence is committed—

Provided always and be it further enacted that no license of the Selectmen to keep Tavern or to retail shall be of any avail to the person licensed untill such license shall be recorded in the Book of Records belonging to such Town or place by the Clerk thereof who shall be paid nine pence therefor.—

And provided further, that if the Selectmen shall unreasonably neglect or refuse to license any suitable person applying

therefor such person and suitable persons in towns & places where there are no selectmen may apply to the Court of General Sessions of the peace in the same County who may if they think proper license such persons.—

And be it further enacted—That no license shall be for more than one year from the time of granting the same.—

And be it further enacted—That every person licensed to keep Tavern, shall at all times be furnished with suitable provisions and accomodations for travellers, their Cattle and horses on penalty of forfeiting the sum of Twenty shillings to the use of any person who will sue for the same and may on Complaint made be deprived of their license.—

And be it further enacted—That no Tavernors shall suffer any of the Inhabitants of the Town or place where such Taverner lives to remain in his house drinking and tipling, (such person having no lawful & necessary business there) after nine of the Clock in the evening, nor at any time on the Sabbath, nor shall any taverner suffer any person at any time to drink to drunkenness or excess in his house or suffer any Minor or Servant to sit drinking there without the leave of their parent, guardian or master on penalty of forfeiting twenty shillings for every such offence on conviction before any Justice of the peace in the County where the offence is committed—

And be it further enacted

That no licensed person shall have or keep in and about his house or houses, outhouses, yards, gardens or places to him belonging any Cards, Dice, or any other implements used in gaming, nor shall any such licensed person suffer any person or persons to use or exercise any such implements or to play at any unlawful game, or sport such as Cards, Dice, nine-pins or Billiards within his house or houses, out-houses, yards, gardens, or places to him belonging on penalty of paying a fine of forty shillings for each offence to be recovered on Complaint to a Justice of the peace, and said fine shall be appropriated one half to the use of the Complainant & the other half to the use of the County in which the Conviction shall be, which shall be the same in which the Offence is committed, or said fine may be recovered on Indictment of the grand Jury in which case the whole shall be to the use of the County—

And every person convicted of playing at any unlawful game in any of the places before mentioned shall be fined for each offence twenty shillings to be recovered and appropriated as in the Case last before mentioned.—

And be it further enacted—That no person licensed to retail only or any other person excepting Tavernors shall sell any mixed liquor, part of which is Rum, Brandy, Wine Gin, or other spirituous liquors to any person directly or indirectly or suffer any person to drink any such mixed liquor so sold or to drink

any Rum, Brandy, Gin, wine or any other spirituous liquor sold by him in his shop, house, or the appendages thereof on penalty of forfeiting the sum of forty shillings for every such Offence to be recovered and appropriated in the same manner as the forfeiture for selling without license as before mentioned—Nor shall any such Retailer, sell any Rum, wine, gin, Brandy or other spirituous liquors in less quantities than one pint by him sold & delivered at one and the same time—

And be it further enacted—

That it shall be the Duty of the Selectmen carefully to inspect all licensed houses, and in no Case to license persons that keep disorderly houses, and Selectmen, Tything men and Grand Jurors shall inform of all breaches of this Law and of all Disorders that may be committed in any licensed house.—

And be it further enacted—

That all Actions, complaints, & indictments for any offences in this Act mentioned, shall be commenced, made and found within six months after such offence may be committed and not afterwards.—

And be it further enacted—

That every person on being licensed by the Court of General Sessions of the peace, or having his license renewed by the said Court, shall pay three shillings whereof nine pence shall be to the Clerk, of the Court of General Sessions of the peace, and the residue for the use of the County and shall be paid by the said Clerk to the County Treasurer.—

And be it further enacted—

That no tavernors shall be entitled to recover more than Twenty shillings on any account for spirituous Liquors sold to any Inhabitant of the Town or place and drank in such taverner's house, notwithstanding such taverner may on the trial prove the sale and delivery of spirituous liquors to more than that value and amount.—

## [CHAPTER 7.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE COMMISSIONERS FORMERLY APPOINTED TO RECEIVE AND EXAMINE THE CLAIMS AGAINST THE ESTATE OF BREED BACHELDER AN ABSENTEE TO RECONSIDER SAID REPORT & MAKE SUCH REPORT AS JUSTICE AND EQUITY MAY REQUIRE—

[Passed June 15, 1791. Original Acts, vol. 13, p. 8; recorded Acts, vol. 6, p. 393.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Judge of Probate for said County of Cheshire be and he hereby is authorized & empowered

to return to the Commissioners formerly Appointed to receive & examine the Claims Against the estate of Breed Batchelder an absentee the list of Claims by them Allowed And thereupon the said Commissioners or any two of them be and they hereby are empowered to reconsider the same and make such alteration therein as may appear to them to be just & equitable And the said Commissioners Shall thereupon make report and the same shall be considered as the just claims & the estate shall be settled accordingly

And be it further enacted that if the said Commissioners or any of them shall refuse to enter upon the business enjoined upon them by this Act the said Judge may appoint a new Commissioner or Commissioners in the room & stead of the person or persons so refusing—who shall proceed & have all the powers as mentioned in the foregoing Section—

### [CHAPTER 8.]

*State of  
New Hampshire.* }

#### AN ACT TO INCORPORATE THE SOUTH PART OF THE SOCIETY LAND AND SUNDRY OTHER TRACTS OF LAND.—

[Passed June 15, 1791. Original Acts, vol. 13, p. 9; recorded Acts, vol. 6, p. 404. See additional act of December 29, 1791.]

Whereas Petitions have been preferred to the General Court by the Inhabitants of the South part of the society, the East part of Peterborough, land between Peterborough & Lyndborough and the west part of Lyndeborough, praying that they may be incorporated into a body politic by the name of Greenfield of which due notice hath been given and no reasonable objection offered against it, and it appearing to be for the public good—Therefore—

Be it enacted by the Senate and house of Representatives in General Court convened that there be and hereby is a Township erected and incorporated by the name of Greenfield containing all the lands within the limits and bounds, as hereafter described (viz) beginning at a Beech Tree at the South East corner of Lyndeborough north Addition so called from thence running northwardly on the East line of said Addition about one mile and ninety five Rods to the South line of Francestown thence West on the South line of Francestown about Eight hundred & seventy two Rods to the South west corner of said Francestown, then north on the West line of said Francestown about seven hundred and fifty two Rods to a heap of stones on the Crotched mountains (so called) then westwardly over said Mountain about Eight hundred and twenty three Rods to a

hemlock tree standing on the west bank of Contoocook river, then up said River as the River runs to the north line of Peterborough which on a straight line wou'd be about one thousand & Eighty Rods, then Eastwardly on the north line of Peterborough about seven hundred and sixty Eight Rods to the west line of the East Range of Lots in said Peterborough, then south on the west line of the East Range of Lots in said Peterborough about fourteen hundred & fifty Rods to the North west corner of Temple, then Eastwardly on the north line of Temple and the south line of Lyndeborough-slip, so called, till it come to the west line of Lyndeborough, then northwardly on the west line of Lyndeborough, till it come to the Southwest corner of Lot, numbered Eighty Two, in Lyndeborough—from thence by the South and east lines of said Lot to the south-west corner of Lot numbered ninety Eight, then on the south & East lines of Lot numbered ninety Eight to the south-west corner of Lot numbered one hundred two, then on the south and east lines of lot numbered one hundred & two and the east line of Lot numbered one hundred & fifteen, to the south west corner of Lot numbered one hundred & twenty one, then on the South and east line thereof, to the north East corner thereof, then on the line between the Land belonging to Cap<sup>t</sup> Samuel Hueston and land of Lieu<sup>t</sup> Amos Whittemore to the north west corner of the Lot belonging to said Hueston, then east on said Hueston's land to the bounds first mentioned. And the Inhabitants of said Tract of Land are hereby Erected into a Body politic and corporate to have continuance and succession forever, and are invested with all the powers, and infranchised with all the Rights, priviledges and immunities which any town in this State holds and enjoys, to hold to said Inhabitants and their successors forever—

And Daniel Emerson Esq<sup>r</sup> is hereby authorized to call a meeting of said Inhabitants to chuse necessary and customary Town Officers giving fourteen Days notice of the time place and design of holding such meeting, and the officers then chosen shall hereby be invested with all the powers of such officers in any other Town in this State and every other meeting which shall be annually holden in said Town for that purpose shall be on the second Monday of March forever.—Provided nevertheless, that Francis Epes, Nath<sup>l</sup> Bachelder, Andrew Cressey, Ithamar Woodward, William Draper, Jacob Dutton, John Stiles, Moses Lewes, Isaac Balch, Jotham Reid, Tristram Ordway, Jesse Dodge, and Thomas Patterson living in Lyndeborough Addition, so called, and within the bounds before described shall have the liberty if they see fit, to enter their names with the Town Clark of Lyndeborough and a description of such real Estate as they now own and possess within the limits aforesaid and produce a Certificate from said Town Clark, of their

names & a description of such property and that the same is lodged with him for the purpose hereafter mentioned and present the same to the Clark of the Town of Greenfield at any time within Twelve months from and after the passing of this Act, and in that case each of the beforementioned persons, that shall so enter his name, & a Description of his Estate and produce such Certificate as aforesaid, shall together with his Estate so described, be considered as belonging to and composing a part of, the town of Lyndeborough, so long as he shall own live on and possess the same, to all intents and purposes, except as to making and repairing high-ways, as if the foregoing Act of Incorporation had not taken place.—

Provided also, and be it further enacted, that the Inhabitants belonging to the Town of Lyndeborough and Peterborough who are included in this incorporation shall pay their Town taxes already assessed, or previously heretö voted to be assessed, the present year, only, and their State and County Taxes, till a new Valuation be taken to the Collectors of the respective Towns they heretofore belonged to, and the Selectmen and Collectors chosen, in Lyndeborough Peterborough Lyndeborough Gore & Society shall have all the powers as to the purposes aforesaid which by law they wou'd have had, if this Act had not been made—and that the Inhabitants of the Society and Lyndborough Slip be excused from paying any State and County tax till a new valuation be taken, and that the Treasurer of this State and of the County of Hillsborough govern themselves accordingly.—

And be it further enacted, That the Inhabitants of Lyndborough taken off and included in this Incorporation shall have no future claim to any Estate real or personal that belongs to the Town of Lyndborough and that is appropriated to the use of supporting a Gospel Minister or public school.—

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT TO PREVENT FRAUD IN CORD WOOD EXPOSED TO SALE.—

[Passed June 15, 1791. Original Acts, vol. 13, p. 10; recorded Acts, vol. 6, p. 407. Laws, 1792 ed., p. 325.]

Be it enacted by the Senate and house of Representatives in General Court convened that all Cordwood exposed to sale shall be four feet long accounting to half the Carp, and the wood being well & close laid together the Cord shall measure Eight feet in length and four feet in height—

And in every town and place in this State where wood is

usually sold by the Cord there may be one or more person or persons appointed by such Town or place, who shall be measurers of wood in such town or place and such measurers of wood shall be considered as Town Officers and sworn as other town Officers are to the faithful Discharge of the Duties of the office and it shall be the duty of the said measurers of wood to measure all wood brought into that Town or place for sale by the Cord, and to certify the measure, and for measuring and certifying the measure, there shall be paid by the purchaser to the measurer three pence *Pr* Cord, and no more.—

And be it further enacted—

That if any person in any town or place in this State where is any wood-measurer appointed and sworn, shall sell any wood by the Cord which is not measured by a Wood-measurer, the person selling & the person purchasing the same shall severally forfeit and pay for every Cord of wood so bought & sold thirty shillings, to be recovered before any Justice of the peace not interested in the penalty, the one half of which sum shall be for the use of the town or place in which the same is so bought & sold, the other half to the use of the person suing for the same.—

And be it further enacted—

That if any measurer of wood shall neglect or refuse to do his Duty in measuring and Certifying the measure of any wood brought to him to Cord or measure unless he can give a sufficient reason, for such neglect or refusal, he shall forfeit and pay for every such offence the sum of Thirty shillings to be recovered and appropriated in manner as beforementioned—

## [CHAPTER 10.]

*State of  
New Hampshire.* }

### AN ACT TO INCORPORATE THE FIRST OR NORTH PARISH IN THE TOWN OF PORTSMOUTH.—

[Passed June 15, 1791. Original Acts, vol. 13, p. 11; recorded Acts, vol. 6, p. 409.]

Whereas a petition has been preferred to the General Court by the wardens of the first or North parish in Portsmouth in behalf of said Society setting forth that said Society labour under many inconveniencies for want of a Legal Incorporation and praying that said Society may be incorporated and formed into a Body politic and corporate by the name of North-parish with all the priviledges and immunities necessary or incident to a religious parish or Society and be enabled to hold the Lands & buildings purchased by said parish, and grants and endowments which have been heretofore made, or which may hereafter be made to said parish, and in the name of the parish-wardens and



feoffees for the time being to demand, sue for, and recover any real or personal property belonging to said parish of any person who hath illegally possessed or who may hereafter possess himself thereof, the prayer of which petition appearing reasonable, Therefore

Be it enacted by the Senate and house of Representatives in General Court convened, That the aforesaid parish or Society be and hereby are incorporated and formed into a Body politic and corporate by the name of the North-parish with all the priviledges and immunities necessary or incident to a religious parish or Society with power to hold the lands and buildings and all grants & endowments heretofore made or that hereafter may be made said parish with full power and authority to sue for and recover in the name of the parish Wardens & feoffees for the time being any real or personal property belonging to said parish of any person or persons who already have or hereafter may have, any such property in his or their hands or possession and to do and transact all and every Act that any parish may or by Law can do within this State.—

And be it further enacted—

That the annual meeting for chusing parish Officers and transacting other necessary business be holden on the first Tuesday in March annually to be notified and warned according to Law by the wardens for the time being, and said parish are hereby empowered at any annual meeting to agree upon the method of calling any other meeting that may be thought necessary—Provided always that the annual income arising from endowments made for the benefit of said parish shall not exceed the sum of three hundred pounds.—

## [CHAPTER 11.]

*State of  
New Hampshire.* }

### AN ACT TO REGULATE THE EXPORTATION OF BEEF AND PORK—

[Passed June 16, 1791. Original Acts, vol. 13, p. 12; recorded Acts, vol. 6, p. 410. Laws, 1792 ed., p. 333. One clause of this act is repealed by the act of December 27, 1791. See act of June 18, 1802. Repealed June 16, 1805.]

Be it Enacted by the Senate and House of Representatives in General Court Convened, That from and after the last day of September next no Barrelled Beef or Pork shall be shipped or exported out of this State, but such as has been Surveyed and found to be good—

And be it further Enacted that the President by & with the advice & consent of the Council be and hereby is empowerd & directed to appoint one or more suitable Person or Persons to be

Searchers and Packers of Barrelled Beef & Pork in all such Towns within this State where such Officers in their opinion are necessary who shall be sworn to the faithful execution of their Trust whose duty it shall be to Pack and Search all the Beef & Pork packed in the same Town designed for Exportation;—And that from and after the said last day of September every Barrel of Beef Salted for exportation shall contain at least Two hundred pounds weight of Beef without any Hocks consisting of a full proportion of the best part of each Quarter respectively and also without having any of the best pieces culled out, and that there be four ounces of Salt petre and good Salt in each Cask sufficient to preserve the Beef or Pork from Damage to any part or place to which it is designed to be Shipped, to be packed in good sound full bound Casks made of well Seasoned wood clear of Sap

And be it further enacted that from and after the said last day of September every barrel of Pork Salted for sale or exportation shall contain at least two hundred pounds weight of Pork, consisting of a due proportion of the best as well as the poorest part of each Hog, without having any of the best parts culled out, and that each barrel shall contain not more than three half heads & Six Leggs to be packed in good Sound full bound Casks clear of Sap.—

And be it further Enacted that in every Town where such Beef or Pork are packed up for Exportation the Searcher & packer of such Town where they are to be shipped, shall previously thereto properly pack all barrelled Pork or Beef; and it shall be his business to see that the Beef or Pork in each barrel or half barrel be of a Quality equal to the average of the Beef or Pork to be packed, and that the best be not left out and that the Beef or Pork in each barrel shall weigh two hundred pounds weight without Hocks and that the Casks be made of good and proper well Seasoned wood, & full bound, and that all the Casks so packed, searched, examined & approved, the said Packer shall brand or imprint with a burning Iron the following brand or mark N. Hamp. with his Sirname at Large, and the Letter P. at the end thereof denoting that the same is Merchantable, and in good order for Exportation, and all such other Provisions, as said Packer shall find wholesome & useful though for its Quality it be not merchantable, he shall cause to be well packed & Salted in manner aforesaid and the same branded and marked in manner aforesaid with the word Refuse in addition thereto for which he shall Receive from the owner Six pence for each Cask packed and marked as aforesaid.—

And be it further Enacted that if any Cooper Packer or other Person, shall shift any Beef or Pork either on board any Ship or Vessel or on Shore after the same has been so branded Stamped or marked by the Packer, or take out any part thereof, and export the same, or a new brand imprint or mark the Casks

whereinto such provisions are Shifted, all Persons acting ordering or assisting therein, & being thereof convicted Shall forfeit and pay a sum not exceeding twenty pounds nor less than three pounds, and if any Person or Persons other than the Proper Officer, shall presume to mark Stamp or Brand any Cask of Beef or Pork with the stamping Instrument belonging, to such Officer or other instrument made in imitation thereof, such Person or Persons on Conviction thereof shall forfeit and pay a sum not more than Twenty Pounds nor less than three pounds for each Cask so marked, Stamped or branded to be sued for and recoverd in any Court of Record in this State proper to try the same and the several Packers of Beef and Pork, who may hereafter be appointed within this State are hereby directed to govern themselves accordingly.

And be it further Enacted that if any Person or Persons from and after the said last day of September shall Ship or export any Salted Beef or Pork not containing the Quantity & packed, Imprinted or branded in manner aforesaid he shall forfeit the same and pay a fine of forty Shillings for each Barrel so Shipped or Exported, to be sued for and recovered in any Court of Record within this State proper to try the same, one moiety thereof for the use of the Prosecutor and the other moiety thereof for the use of the Town wherein the offence shall have been Committed.

And be it further enacted that it shall & may be lawful for any Justice of the Peace upon Information given of any Barrelled Beef or Pork being Shipped, Laden or put on board any Ship or other Vessel for Exportation as aforesaid not being Packed marked or Imprinted as aforesaid to Issue his Warrant directed to the Sherif or his Deputy or Constable requiring them respectively to go on board any such Ship or other Vessel and make Seizure of any such Beef or Pork Shipped & not Packed & marked as aforesaid, and to secure the same, in order for tryal, and such Officer or Officers are respectively impowerd and required to Execute the same process.—

## [CHAPTER 12.]

*State of  
New Hampshire.* }

### AN ACT REGULATING SWINE.—

[Passed June 16, 1791. Original Acts, vol. 13, p. 13; recorded Acts, vol. 6, p. 413. Laws, 1792 ed., p. 319. See act of June 17, 1783.]

Be it enacted by the Senate and house of Representatives in General Court convened, that no Swine shall be suffered to go at large on any high-way or Common within this State at any time between the first day of April and the last day of October

annually without being yoked and ringed according to law on penalty that the owners forfeit and pay one shilling and six pence for each offence, to be recovered by Action of debt before any Justice of the Peace by any Hog-reeve or any freeholder of the Town or place where such swine shall be found who will sue for the same with costs of prosecution unless it appear that such swine were accidentally out of the owners inclosure—

And no swine shall be suffered at any time in the year to go at large in the compact part of the Town of Portsmouth which is described and bounded as follows (*viz*) beginning at the westerly side of the Gaol, thence running southerly to the head of Pickering's mill-pond thence easterly by said pond to the River, thence Northerly by said River to Boyd's mill pond and thence to said place of beginning on penalty that the owner forfeit the swine so going at large to any person who will take up and secure the same unless it shall appear that said swine were accidentally out of the owners inclosure—And no swine in any other part of the state shall at any time in the year be suffered to go at large without a ring in the nose sufficient to prevent rooting on pain that the owner forfeit one shilling and six pence for each offence to be recovered by any Hog-reeve or freeholder, in manner as aforesaid—And no yoke shall be accounted sufficient unless it be as much as the depth of the swine's neck above the neck and half as much below, and unless the sole or bottom of the yoke be three times as long as the thickness of the swine's neck—

And in case the owner of any swine which are found going at large unyoked & unringed as the law requires shall not be known to the Hogreeve or freeholder as aforesaid finding such swine, he shall have full power to empound them and shall give notice in the Town or place where they shall be empounded and in two adjacent Towns by causing a notification thereof with the natural and artificial marks, (if any,) of such swine and by whom empounded to be posted in some public place in each of the respective towns aforesaid—And if no owner shall appear within six days after such notifications are set up, or appearing shall refuse to pay the penalty aforesaid with charges of empounding and supporting said swine (which support every empounder shall cause to be furnished) then the person empounding such swine may apply to a Justice of the peace who is hereby ordered and directed to issue a Warrant of appraisement to two suitable persons to appraise the said swine upon oath by him to be administered and the empounder may take such swine to his own use at the appraised value, or he may expose them to sale at public auction giving twenty four hours notice beforehand of the time and place of the intended sale and he shall be allowed all reasonable Cost and charges for his trouble, assistance, time in driving, charge in supporting, advertising and selling or appraising said swine as aforesaid to be adjusted by the Justice

that grants the warrant of appraisement, and if no owner shall appear and there remains any overplus money after the penalty and all Costs and charges are deducted, either from the appraised value or the proceeds of such sale as aforesaid, as the Case may be, such overplus money shall be delivered to the Justice who adjusted the charges as aforesaid to be by him paid to the owner if he apply for the same within one year from the time of his receiving the same and in case he do not apply within the said time, then to be delivered to the overseers of the poor or such town or place where the empounding is, for the use of the poor of such Town or place

And be it further enacted—

That it shall be the duty of the Hogreeves in the respective towns and places in this State to see that all swine going at large be yoked and ringed as the law requires and if they find any Swine going at large unyoked or unringed according to Law, or if complaint be made to them of any such within their respective towns or places in such Case the Hogreeves shall notify the owner of the swine if known to yoke and ring the same—and if the owner neglect so to do after notice given for the space of twenty four hours, then the hog reeve shall yoke and ring such swine as the Case may require, & shall have as a fee for notifying for each swine in all cases three pence and one shilling for yoking, & six pence for ringing every swine so by him yoked or ringed, to be recovered by action against the said owner; but if the owner be not known then the swine going at large unyoked and unringed shall be empounded and proceeded with as aforesaid by the hogreeve or by any freeholder as aforesaid in manner before directed.—

And be it further enacted—

That the Inhabitants of any Town may at any legal meeting agree upon any method other and Different from that mentioned and prescribed in this Act (except what relates to the compact part of Portsmouth as before described and except what relates to ringing) for regulating the swine within the same town which regulations shall last for one year only, upon such pains & penalties as shall be adequate to the purpose of carrying the same into execution—

## [CHAPTER 13.]

*State of  
New Hampshire.* }

AN ACT DIRECTING THE MODE OF CALLING A CONVENTION TO  
REVISE THE CONSTITUTION OF THIS STATE—

[Passed June 16, 1791. Original Acts, vol. 13, p. 14; recorded Acts, vol. 6, p. 415.]

Whereas the constitution of this State directs that “to preserve an effectual adherence to the principles of the constitution and to correct any violations thereof, as well as to make such alterations therein, as from experience may be found necessary, the general Court shall at the expiration of seven years from the time this constitution shall take effect issue precepts or direct them to be issued from the Secretary’s office, to the several towns and incorporated places to elect delegates to meet in convention for the purposes aforesaid—” And the same term of seven years having elapsed—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that there shall be a Convention of delegates, to be chosen in the manner herein after directed, holden at Concord on the first wednesday of September next for the purposes set forth in the preamble of this Act—

And be it further enacted—That the Secretary of this State be and he hereby is authorized and required, soon as may be, to issue precepts, to the several Towns, parishes & places in this State, having the privilege of electing one or more Representatives, and also to such districts as are formed by classing two or more towns, parishes or places together, for the purpose of electing a Representative, which precepts shall be directed to the Selectmen of such towns, parishes & places as have the privilege of electing one or more representatives; and where two or more towns, parishes or places are classed together for the purpose of electing a Representative, the precepts shall be directed to the Selectmen of the towns where the meetings for the choice of Representatives were last holden, And the Selectmen to whom such precepts may be directed shall call upon all the voters in their respective towns, parishes, places or districts formed as aforesaid having the qualifications, required by Constitution for voters in the choice of Representatives to meet at the most convenient place on the second Monday of August next giving them at least fifteen days notice, for the purpose of electing Delegates—And the Selectmen so calling said Meeting, shall see it opened and a Moderator fairly chosen, by ballots, and then the voters present, qualified as aforesaid, shall elect by ballots one or more delegates, as the Case may be, to meet in said convention—And the Clerks of the Towns where such

Meetings may be holden, shall make fair Records of all said proceedings, a copy of which record attested by such Clerk, shall be the proper evidence, of such Delegate's election—

And be it further enacted, that the Delegates chosen in manner aforesaid, or the major part of them being assembled at the place aforesaid, and having taken an oath, for the faithful discharge of the duties of their said office & trust which oath may be administred by any Justice of the peace in the presence of said Convention, shall be a quorum of said Convention, and authorized to proceed upon the business of their said Appointment; and shall appoint their own officers, and establish such Rules & regulations for conducting their proceedings as they may think proper, agreeably to the present Constitution and this Act— And said Convention shall have the power of adjourning their meetings from day to day and from time to time and from place to place as occasion may require for completing the object of their appointment, not exceeding the term of two years.—

And be it further enacted—That the Members of said convention shall be allowed four pence P<sup>r</sup> mile for travel, & six shillings per Day each for their attendance, and the Clerk of said Convention, at the close of each Session, shall make up a Roll of travel and attendance, and certify the same to the President of this State for the time being, who is hereby authorized to give order on the Treasurer for payment of the same.—And the Treasurer agreeably to said Roll and the said President's order shall pay to each member of said Convention the amount of his travel and attendance—

And be it further enacted—That the precepts issued by the Secretary, for the election of said delegates, shall be agreeably to the form following (to wit)—

The State of New Hampshire

To the Selectmen of the Town of

Greeting—

Pursuant to an Act of the General Court passed the day of June 1791, directing the mode of calling a Convention to revise the Constitution of this State—You are required to warn a meeting of the voters in the town (or towns) of having the qualifications required by Constitution for voters in the choice of Representatives, to be holden at the most convenient place in your town on the second Monday of August next giving them at least fifteen days notice, to choose delegate to meet in Convention to be holden at Concord in said State on the first wednesday of September next, for the purpose in said Act mentioned—

Dated at            the            day of            Anno Domini 1791—

## [CHAPTER 14.]

*State of  
New Hampshire.*AN ACT DECLARING THE LIMITS & BOUNDARIES OF THE SEVERAL  
COUNTIES IN THIS STATE.

[Passed June 16, 1791. Original Acts, vol. 13, p. 15; recorded Acts, vol. 6, p. 418. Laws, 1792 ed., p. 161. See act of April 29, 1769.]

Be it enacted by the Senate and house of Representatives in General Court convened that the division of this State into five Counties by the names of Rockingham, Strafford, Hillsborough, Cheshire and Grafton be and hereby is declared and established as follows, namely—

The County of Rockingham is bounded as follows, beginning at the mouth of Piscataqua River and running up the same to the Easterly corner of Newmarket including the River and from thence Northwesterly by the easterly and northerly side lines of Newmarket, Epping, Nottingham, Northwood, Pitsfield, Chichester, Loudon, Canterbury and Northfield to the River Merrimac, and down the same to the line of Concord including the River, then round the westerly line of Concord & Bow to Merrimac River, thence down the same to the North-west corner of Derryfield, thence by the Northerly and easterly lines of Derryfield and the Easterly lines of Litchfield and Nottingham west to the State line, thence by said line to the Sea, thence by the Sea to the bounds first mentioned, including all that part of the Isle of Shoals which belongs to this State.—

The County of Strafford is bounded as follows beginning at the North west corner of Northfield, thence up the River Pemigewasset or Merrimac to the Southwest Corner of New Holderness thence on the Southerly and Easterly lines of New Holderness to Sandwich, then on the westerly and northerly lines of Sandwich to Tamworth then on the northerly lines of Tamworth and Eaton to Conway from thence on the Westerly and northerly lines of Conway to the State line, thence down said line to the line of the County of Rockingham thence by said line of the County of Rockingham to the bounds first mentioned—

The County of Hillsborough is bounded as follows, beginning at the South East Corner of Nottingham West thence Westerly by the State line to the South East corner of Rindge, thence by the easterly side lines of Rindge, Jaffrey, Dublin, Packerfield, Stoddard & Washington to the North Easterly Corner of Washington, thence by the northerly side line of Washington, to the South-Westerly corner of Fishersfield, thence on the Westerly side line of Fisherfield and New London, to the North Westerly corner of said New London, thence on the North-easterly lines



of New London and Kyarserge and the Northerly side line of Andover to Pemigewasset River thence on the line of the County of Strafford & Rockingham to the bounds first mentioned.—

The County of Cheshire is bounded as follows—beginning at the Southeast corner of Rindge and from thence running westerly by the State line to the Westerly bank of Connecticut River thence up the same till it comes opposite to the North west corner of Plainfield then crossing the River to the said corner of Plainfield, thence by the Northerly side lines of Plainfield, New-Grantham, and Protectworth to the boundary line of the County of Hillsborough thence by the Westerly line of said County of Hillsborough to the bounds first mentioned—

The County of Grafton shall contain all the Land and waters in said State not comprehended in the other Counties—And all the Towns and places within the bounds aforesaid, respectively shall be deemed accepted, named and taken as parts and members of the respective Counties aforesaid—

### [CHAPTER 15.]

*State of  
New Hampshire.* }

#### AN ACT TO IMPOWER WALTER GEER TO REVIEW AN ACTION—

[Passed June 16, 1791. Original Acts, vol. 13, p. 16; recorded Acts, vol. 6, p. 420.]

Whereas Walter Geer of Charlestown in the County of Cheshire has petitioned the General Court setting forth that Moses Wheeler Jun<sup>r</sup> of said Charlestown at the Superior Court of Judicature for said County of Cheshire holden at Charlestown afores<sup>d</sup> on the third Tuesday of May Anno Domini 1788. recovered Judgment against said Petitioner together with one Solomon Grout in an Action of Trespass bro't by said Wheeler against said petitioner & Grout, for the sum of one hundred & four pounds & ten shillings damages and Costs of Court taxed at thirty pounds ten shillings & ten pence, and upon an Execution issued upon said Judgment said petitioner and Grout were committed to Goal—and that the said Grout had broken Prison & had run off—by reason whereof the said Petitioner could not review said cause, as said Grout must be Joined in the Action of review—

Wherefore the said Geer prayed he might be impowered to review said cause without the said Grout's being joined in the writ of review—which prayer appearing reasonable—Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the said Geer be & hereby is impowered to sue out & prosecute a writ of review in common form upon said Judgment at the next Superior Court of Judica-

ture for said County—and the said Superior Court are hereby impowered to hear try & determine said Cause & give Judgment & issue execution thereon in the same manner, so far as it respects said Geer as by Law they could or might do if said Action had originally been commenced against said Geer solely; and by Law could now be reviewed by said Geer—Any Law usage or custom to the Contrary notwithstanding—

Provided nevertheless and be it further enacted that nothing In this act contained shall extend or be construed to extend so far as to reverse or nullify said Judgment as it respects the said Grout, whether it shall be reversed or not upon said Geers trial upon said review as it respects him

## [CHAPTER 16.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF THE TOWN OF THORNTON TO ASSESS & CAUSE TO BE COLLECTED THE SUM OF ONE PENNY PER ACRE ON THE FIRST DIVISION LOTS OF LAND IN SAID THORNTON, AND SIXTEEN SHILLINGS & EIGHT PENCE ON EACH SECOND DIVISION LOT THAT HATH BEEN LAID OUT, OR MAY BE LAID OUT IN SAID TOWN OF THORNTON WITHIN SIX MONTHS FROM THE DATE OF THIS ACT, & IF NOT SO LAID OUT ON THE COMMON LANDS BELONGING TO EACH RIGHT FOR THREE YEARS NEXT ENSUING.—

[Passed June 16, 1791. Original Acts, vol. 13, p. 17; recorded Acts, vol. 6, p. 421.]

Whereas the Selectmen of said Thornton have petitioned the General Court representing that the Lands owned by the Non-residents have been encreasing in value by the Labour of the Inhabitants, & that the said Nonresidents have never granted them any assistance in making Roads in said Town, therefore prayed the General Court to grant them a Tax on the Lands of the said Nonresidents for the purpose of making & mending Highways in said Town to such amount & in such way & manner as to them might appear reasonable & after a full hearing on said Petition & the Nonresidents agreeing thereto it appearing reasonable, therefore be it enacted by the Senate & House of Representatives in General Court Convened that one penny per Acre on all the first division Lots of Land in said Town and Sixteen Shillings & Eight pence on each Second Division Lot that hath been laid out, or that may be laid out within Six Months from the date of this Act, & if not so laid out, on the common Lands belonging to each right Annually for Three years next ensuing be granted, & the Selectmen for the said Town of Thornton for the time being are hereby authorized &

impowered to assess & cause to be collected the sums aforesaid on all the lands aforesaid for the Term aforesaid to be Assessed & collected in the same way & manner as State Taxes are assessed & collected by Law.—

And be it further enacted that the collectors of said Taxes shall cause the same to be advertized in the New Hampshire Gazette Three Weeks successively giving Six Weeks notice to the owners or Proprietors of said Lands that they have Liberty to pay the said Taxes in Labour on said Highways under the direction of the Selectmen of said Thornton for the Time being at the rate of three Shillings per day for an able bodied Man to be done between the first day of June & the last day of September in each year & if the owner or proprietor shall fail to pay the same as aforesaid then the Selectmen may cause said Labour to be done as aforesaid & the said Collectors may sell so much of the delinquents Land at publick Vendue as will pay the sums aforesaid & legal costs, first causing the same to be advertized for sale As the law directs in case of the sale of Land for the payment of State Taxes of Nonresident Proprietors or owners thereof except the advertizing by the States collector, & may give a good and valid Deed of the same to the purchaser.

Provided always that the owners or proprietors their heirs & assigns shall have the same equity of redemption as is allowed by Law in case of the sale of Lands for the payment of Nonresident State Taxes.

And be it further enacted that the Selectmen shall within Four years from passing of this Act render an account of the expenditure of the Monies arising as aforesaid to the Court of General Sessions of the peace in & for the County of Grafton on pain of incurring and forfeiting the sum of Two Hundred Pounds to be recovered in any Court proper to try the same the one half to the person or persons who shall sue for the same & the other half to the use of said County.—

## [CHAPTER 17.]

*State of  
New Hampshire.* }

### AN ACT FOR THE LIMITATION OF ACTIONS & FOR THE PREVENTING OF VEXATIOUS SUITS.—

[Passed June 16, 1791. Original Acts, vol. 13. p. 18; recorded Acts, vol. 6, p. 423. Laws, 1792 ed., p. 157. See acts of January 26, 1790, December 6, 1796, June 20, 1797, June 18, 1798, June 14, 1799, December 30, 1799 and June 19, 1805.]

Be it enacted by the Senate & House of Representatives in General Court convened that no person shall hereafter sue or maintain any Writ of Right or make any prescription title or claim to any lands Tenements or Hereditaments or to any

rents annuities or portions issuing therefrom upon the possession or Seisin of his or their Ancestor or predecessor beyond the term of sixty years next before the test of the same Writ.—

And no Person shall sue have or maintain any Writ of entry upon disseizin done to any of his Ancestors or predecessors or any action possessory upon the possession of any of his Ancestors or predecessors for any lands Tenements or Hereditaments unless the Ancestor or predecessor under whom the demandants shall claim should have been seized or possessed of the lands Tenements or hereditaments demanded within fifty years next before the test of the same Writ or bringing such Action.—

And no person or body corporate or politic shall sue for have or maintain in any Action for any lands Tenements or Hereditaments upon his or their own seizin or possession therein above thirty years next before the test of the same Writ.—

And be it further enacted that all Writs of formedon in descender remainder & reverter of any lands Tenements & Hereditaments whatsoever hereafter to be sued and brought shall be commenced within twenty years next after the Title or cause of action first descended and at no time after the said twenty years.—And no person shall at any time hereafter unless by Judgment of law make any entry into any lands Tenements or Hereditaments but within twenty years next after his right or title first descended or accrued to the same—And in default thereof such person so not entering & his Heirs shall be utterly excluded from making such entry thereinto.—

Provided always that when any person that is or shall be entitled to any of the Writs of formedon aforesaid or to make an entry into any lands Tenements or hereditaments shall at the time the said Right or title first accrued descended or fell be within the age of twenty one years—feme-covert—non compos mentis imprisoned or beyond Seas or without the limits of the United States that then such person shall or may bring such suit or make such entry at any time within ten years after the said twenty years aforesaid shall have expired, and not afterwards.—

And be it further enacted that all actions of Trespass *quare clausum fregit* all actions of Trespass detinue Trover or Replevin for goods or Cattle all actions of account & upon the Case other than such as concern the trade of merchandize between Merchant & Merchant their factors and Servants all actions of debt grounded upon any lending or Contract without Specialty—all actions of debt for arrearages of rent and all actions of Assault menace battery wounding & imprisonment or any of them which shall be sued or brought after the first day of July next shall be commenced and sued within the time here after limited or if afterwards to wit the actions of account and actions of Debt and actions upon the Case other than for slander and said

actions of trespass, Detinue and replevin for cattle and goods, and said Actions of Trespass, *quare clausum fregit*, within six years from the first day of said July in the year of our Lord one thousand, seven hundred & ninety one, or within six years next after the cause of such Actions or suits, and not after. And the said Actions of Trespass, of assault, battery, wounding, imprisonment or any of them, within three years next after the said first day of July, or within three years next after the cause of such Actions or suits and not afterwards; And the said Actions upon the Case for words within two years next after the said first Day of July, or within two years next after the words spoken and not afterwards. Provided always, that if upon any of the said Actions or suits judgment be given for the Plaintiff and the same be reversed by writ of Error, or a Verdict pass for the plaintiff, and for matter alledged in arrest of judgment, the judgment be given against the plaintiff that he take nothing for his plaint writ or Bill, that in all such Cases, the Plaintiff his Executor or administrator, as the Case shall require, may commence a new Action or suit from time to time within a year after such judgment reversed, or such judgment given against the plaintiff and not after.—

And be it further enacted—

That this Act shall not extend to bar any infant, feme covert person imprisoned, or beyond seas without any of the United States, or non compos mentis, from bringing either of the Actions before mentioned, within the term before set and limited for bringing such Actions reckoning from the time such impediment shall be removed—

And if any person against whom there is or hereafter may be any cause or suit for any and every the species of personal actions before enumerated, who at the time the same accrued was without the limits of the State, and did not leave property or Estate therein that could by the common and ordinary process of Law be attached, that then and in such Case the person that is entitled to bring such suit or action shall be at liberty to commence the same within the respective periods before limited after such person's return into this State—

And be it further enacted—that no Judgment in any real or personal Action shall from and after the first day of July next be reversed or avoided for any Error or defect therein unless the Writ of Error or suit for the reversing such Judgment be commenced or brought & prosecuted with effect within three years after such judgment entered of Record—Saving unto any Infant feme Covert, person non compos mentis, person in prison or beyond sea the right of bringing any Writ of Error or suit for the reversing any Judgment at any time within three years after such Judgment rendered or within five years after such Impediment shall be removed—

And be it further enacted that in all Actions of the Case for slanderous words all actions of assault and battery, all Actions for imprisonment, all actions for malicious prosecutions hereafter prosecuted in any of the Courts of Record in this State if the Jury that enquire of the damages, do find or assess the damages under forty shillings then the Plaintiff or Plaintiffs in any such Action shall have and recover only so much Costs as the damages so found and assessed amount unto, without any further encrease of the same—And in all Actions of Trespass *quare clausum fregit*, where the title of real estate is not in question, if the damage found or assessed by the Jury do not amount to forty shillings the Court may if they think proper allow only such sum in Costs as they shall think proper not exceeding the damages assessed by the Jury—

And in all other Actions commenced at the Court of Common pleas if it shall appear to the Justices of the said Court or to the Justices of the superior Court in case of appeal that the plaintiff or plaintiffs had no reasonable expectation of recovering more than forty shillings damages in such suit, the Justices of said Court may limit the plaintiff or plaintiffs in their Costs to such sum as they may think just and reasonable all circumstances duly considered—

#### [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF CAMPTON TO ASSESS & CAUSE TO BE COLLECTED ONE PENNY PER ACRE ANNUALLY FOR TWO YEARS ON ALL THE UNIMPROVED LANDS IN SAID CAMPTON.—

[Passed June 16, 1791. Original Acts, vol. 13, p. 19; recorded Acts, vol. 6, p. 427.]

Whereas the Selectmen of Campton have petitioned the General Court representing that there are a Number of rapid Streams in said Town which require expensive bridges, that by the necessity of the altering of Roads in said Town the Highway Taxes on the Inhabitants have become very burthensome.—

They therefore prayed the General Court to grant a Tax of one penny per Acre annually for the Term of Two years next ensuing on all the unimproved lands in said Town for the purpose of making & repairing Roads in said Town.—And after a public hearing thereon & there being no objection thereto, it appearing reasonable that the prayer thereof should be granted.—Therefore be it enacted by the Senate & House of Representatives in General Court convened that the Selectmen of said Campton for the Time being be, & they hereby are enabled to assess & cause to be collected the sum of one penny per Acre annually

for Two years next ensuing the passing of this Act, on all unimproved Lands in said Campton for the sole purpose of makeing & repairing the Highways & Bridges in said Town in the same way & manner as State Taxes of Nonresidents are assess<sup>d</sup> & collected by Law.

And be it further enacted by the authority aforesaid that the Collectors of said Taxes shall cause the same to be advertized in the New Hampshire Gazette Three Weeks successively giving Six Weeks notice to the owners or proprietors of said Lands that they have liberty to pay said Taxes in Labour on said Highways under the direction of the said Selectmen at the rate of Three Shillings per day for an able bodied Man to be done between the first day of June & the last day of September in each year, & if the owners or proprietors shall fail to pay the same as aforesaid then the Selectmen may cause said Labour to be done as aforesaid & that the Collectors may sell so much of the delinquents lands at publick Vendue as will pay the sums aforesaid & legal Costs first causing the same to be advertized for sale as the Law directs in case of the sale of Lands for the payment of the State Taxes of Nonresident Proprietors & owners thereof except the advertizing by the State collector & may execute a good & valid Deed of the same to the purchaser.—

Provided always that the owners or proprietors their heirs or assigns shall have the same equity of redemption as is allowed by Law in case of sales of Land for the payment of Nonresident State Taxes.

And be it further enacted that the Selectmen shall within Four years from the passing of this Act render an account of the expenditures of the Monies arising as aforesaid to the Court of the General Sessions of the peace in & for the County of Grafton on pain of incurring & forfeiting the sum of Two Hundred Pounds to be recovered in any Court proper to try the same, the one half to the person or persons who shall sue for the same & the other half to the use of said County.

#### [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND EXPLANATION OF AN ACT ENTITLED  
“AN ACT FOR GRANTING A LOTTERY FOR REBUILDING A  
BRIDGE OVER LITTLE HARBOUR RIVER TO NEW CASTLE”,  
MADE & PASSED THE TWELFTH DAY OF JANUARY—ANNO  
DOMINI 1790—

[Passed June 16, 1791. Original Acts, vol. 13, p. 20; recorded acts, vol. 6, p. 428.]

Whereas it has been represented in behalf of the Inhabitants of the town of Portsmouth, that the method in which the Managers of the New Castle Bridge Lottery, carry on the same in

the Town of Portsmouth, is very injurious to said Inhabitants being unusual and contrary to the method in which lotteries have heretofore been carried on and conducted—Therefore—

Be it enacted by the Senate and house of Representatives in General Court convened, that the said Lottery, shall not hereafter be carried on in said town of Portsmouth in the method now practised, namely, the perpetual Lottery, so called—nor shall the same be carried on in said town of Portsmouth, or in any other town or place in this State without the consent of the Selectmen of said Town or place first had and obtained, in any other manner or method than what has been usual and customary in this State—

And be it further enacted—

That if the managers of said Lottery shall carry on and conduct the said Lottery contrary to the true intent and meaning of this Act, they shall be liable to all the penalties for setting up and carrying on lotteries which by law they wou'd be if said Act had not been made, and to be recovered in the same way and manner.

## [CHAPTER 20.]

*State of  
New Hampshire.* }

### AN ACT TO RESTORE ALEXANDER EWEN TO HIS LAW—

[Passed June 17, 1791. Original Acts, vol. 13, p. 21; recorded Acts, vol. 6, p. 430.]

Whereas Alexander Ewen of Portsmouth in the County of Rockingham Merchant hath petitioned the General Court setting forth that he purchased out a writ of Attachment Against one John Phillips Esq<sup>r</sup> returnable to the Inferior Court of Common Pleas for the County of Rockingham holden at Portsmouth aforesaid on the first Tuesday of February last,—that the Sheriff by virtue of said Precept attached a house & Lands in said Portsmouth—that said Phillips at the time of the service of said Writ was out of the State, and that said Cause by Law ought to have been continued—But through inattention to the Law the said Phillips was defaulted and Judgment rendered against him in favour of said Petitioner, and execution issued upon said Judgment, which has been levied upon said Land, and the Execution in consequence thereof returned fully satisfied—and that said Judgment in consequence of its being rendered at the first term is erroneous and the proceedings thereon illegal—Wherefore said petitioner prayed that he might be enabled to re-enter his said Action at the next Inferior Court of Common Pleas for said County and that the Justices thereof be impowered to sustain & determine the same as tho no Judgment had been given thereon



And Whereas a petition hath been preferred to the General Court in behalf of said Phillips setting forth in substance the same as said Ewen hath set forth in his said petition—and praying that said Judgment Execution & Levy may be set aside for and on Account of their illegality. It appearing therefore to be the mutual desire of both parties that said Judgment be set aside and that they be restored to Law—which appearing reasonable—

Therefore be it enacted by the Senate and House of Representatives in General Court convened that the said Judgment be & hereby is set aside and that the said Ewen be impowered to bring forward said Cause at the next Inferior Court of Common Pleas for said County of Rockingham in the same manner as if said Action had been duly continued from Court to Court and said Phillips had not been defaulted and Judgment rendered against him. And the Justices of said Court are hereby impowered to hear try & determine said Action and give Judgment thereon and issue Execution accordingly in the same manner as if said action had regularly been continued from Court to Court saving to each party the right of Appeal to the Superior Court as in other cases—

#### [CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE THE SELECTMEN OF NEW DURHAM TO LEVY A TAX OF ONE PENNY PER ACRE ON THE LANDS IN SAID TOWN FOR REPAIRING THE HIGH WAYS—

[Passed June 17, 1791. Original Acts, vol. 13, p. 22; recorded Acts, vol. 6, p. 431.]

Whereas the Selectmen of New Durham have petitioned the General Court setting forth, that there is a road running through said town to Wolfborough from Middletown, being almost six miles in length, which hath been very expensive to said town in cutting out and making bridges, and that said road still wants considerable repairs to make it convenient for the public: and that said road runs thro the lands of Nonresidents, and few of the inhabitants live near the same. Wherefore they prayed, they might have liberty of taxing the lands of said Nonresidents, one penny per Acre for the term of two years, for the purpose of amending said road—Which appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in general court convened, that the Selectmen of said New Durham for the time being, be and they hereby are impowered to Assess, levy and collect, a tax on all the lands in said New Durham (public rights excepted) at the rate of one penny Per Acre annually for two years to be applied for the purpose of repairing the high ways in said New Durham—

And be it further enacted, that the Collector to whom any such rate or tax shall be committed to collect, shall give notice thereof by advertising the same three weeks successively in the New Hampshire Gazette, giving six weeks notice at least, that said tax is committed to him to collect; and that the owner of the land, so taxed has liberty of working out said tax any time between the first day of June and the last day of September in the year for which such tax shall have been made, at the rate of three shillings per diem for an able bodied man. And said lands shall be taxed in the usual manner of taxing lands of Nonresidents.

And if the Work is not done nor money paid on or before the last day of September in the year for which such tax shall have been made, the Collector shall advertise, and sell so much of said land as will pay the tax and incidental charges, in the same manner that Nonresidents' lands are advertised and sold for the payment of taxes, except what relates to the Receiver general of Nonresident taxes advertising for sale, which shall not be necessary—Saving to the owner of the land the equity of redemption by law allowed in cases of Nonresidents.—And the work shall be done on said roads, and the money expended according to the direction of the Selectmen of said town—

And be it further enacted, that the said Selectmen shall account with the court of general sessions of the peace for the County of Strafford for all sums of money by them received and expended by virtue of this act, within four years from the making and passing the same, and in default thereof shall forfeit and pay double the sum of the assessments by them respectively made, to be recovered by bill, plaint, or information in any court proper to try the same, for the use of the County of Strafford—

## [CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE ALEXANDER CRAIGE JOSIAH SANBORN AND WILLIAM PRESSON THE SELECTMEN OF THE TOWN OF RUMNEY IN SAID STATE, FOR THE TIME BEING TO LEVY ASSESS AND COLLECT A TAX OF TWO PENCE PER ACRE UPON ALL THE LANDS (PUBLIC LANDS EXCEPTED IN SAID TOWN) THAT HAVE BEEN LAID OUT INTO LOTS, FOR THE PURPOSE OF MAKING HIGH WAYS AND BRIDGES THEREIN—

[Passed June 17, 1791. Original Acts, vol. 13, p. 23; recorded Acts, vol. 6, p. 433.]

Whereas the Selectmen of said Rumney have petition'd the General Court setting forth that the Public Roads in said Town are much out of repair and that for the accommodation of settlers

it is necessary that some new Roads should be laid out, and made fit for use, & that the Inhabitants of said Town are unable to make and keep in repair such Roads.—And praying that a tax of two pence per Acre upon all the lotted Lands in said Town (Public lands excepted) might be granted, for the sole purpose of making and repairing Roads and Bridges in said Town and upon a public hearing, the said prayer appearing reasonable and there being no objections offer'd—

Therefore—Be it enacted by the Senate & House of Representatives in General Court convened That a tax of two pence Pr Acre upon all the lotted lands in said Town (Public lands excepted) be granted for the use and purpose of making and repairing highways and Bridges in said Town—

And be it further enacted that so much of said tax as shall be levied upon the Interval Lots & the first division of fifty Acre Lots on the North side of the River shall be laid out upon the River Road on the North side of the River—

And that part of said tax which shall be levied upon the Meadow Lots and first division of fifty Acre Lots on the south side of the River shall be applied to the River road on the south side of the River—And the remainder of said tax shall be laid out in making and repairing roads & Bridges, where it will best accommodate and advance the settlements on the back lands in said Town—

And be it further enacted that the said Alexander Craige Josiah Sanborn and William Presson the Selectmen of said Town for the time now being be and they hereby are appointed a committee to assess said tax & to commit the same together with a warrant for collecting it to some suitable person whom they shall appoint the Collector thereof.

And said Collector shall notify said tax in the New-Hampshire Gazette three Weeks successively six Months previously to his advertizing any of said lands for sale, & in case said taxes shall not be paid at the expiration of said six Months the said Collector shall proceed to advertize for sale the lands upon which said taxes shall not be paid, in the same manner as is directed by Law for the sale of lands belonging to Non-residents, upon State taxes, and in case said taxes shall not be paid before the day appointed for sale—said collector shall proceed to sell said lands in the same way and manner as in case of non-payment of state taxes—and said Collector is empowered to execute a good & valid Deed of conveyance to the purchaser & the mode of redemption shall be the same as in case of lands sold for the collection of State taxes, and said Collector shall account to said Craige Sanborn and Presson for their Monies by him so collected—provided nevertheless that the owners of said lands shall have the liberty of paying the taxes upon their respective lands in labor at three shillings Pr day for an able bodied man at any time

before said lands shall be advertized for sale & shall have six Weeks notice previous to the time said work is to be done—

And be it further enacted that said Craige Sanborn and Preson shall superintend said work & direct where and in what manner said tax shall be laid out agreeably to this Act—

And they shall render a true account to the Court of General Sessions of the peace, to be holden at Plymouth in the County of Grafton on thursday next following the first tuesday of September in the Year 1793 how they have expended the avails of said tax, on penalty of forfeiting the sum of one hundred pounds lawful Money on failure of their accounting as aforesaid which may be recovered in any Court proper to try the same by any person who will sue therefor one half for the use of the prosecution and the other half for the use of said County of Grafton—

### [CHAPTER 23.]

*State of  
New Hampshire.* }

#### AN ACT SUSPENDING THE OPERATION OF SUNDRY ACTS THEREIN ENUMERATED & REFERRED TO UNTIL A CERTAIN PERIOD.—

[Passed June 17, 1791. Original Acts, vol. 13, p. 24; recorded Acts, vol. 6, p. 435. See additional act of June 20, 1792. Repealed as far as it relates to certain acts, June 20, 1797.]

Whereas in and by an Act entitled “An Act suspending the “Operation of sundry Acts therein enumerated Untill a certain “time therein mentioned,” made and passed the eighteenth day of February Anno Domini 1791 the operation of said Acts and Laws therein particularly enumerated was suspended untill the first day of November next, & whereas it is necessary that the operation of said Acts and laws should be further suspended,—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened That the said Acts and Laws in said suspending Act enumerated shall not be in force untill the first day of February next any thing in said acts and laws to the contrary notwithstanding.

And whereas the following Acts have passed the General Court the present Session namely

An Act prescribing the duty & directing the mode of choosing registers of deeds and county treasurers.

An Act for recording proceedings before Justices of the Peace and for preserving such records

An Act regulating the Office of Coroner.

An Act regulating licensed Houses.

An Act to prevent fraud in cord wood exposed to sale—

An Act regulating Swine

An Act declaring the limits and boundaries of the several Counties in this State.

An Act for the limitation of Actions and for preventing of vexatious suits.

And whereas it would be highly improper that the before recited acts should take effect or be in force untill they are printed & distributed for the information of the people

Therefore be it further enacted that the said Acts & laws shall not take effect or be in force untill the first day of February next any thing in said Acts & laws to the contrary notwithstanding.

#### [CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE THE SELECTMEN OF THE TOWN OF NEW HAMPTON TO ASSESS & CAUSE TO BE COLLECTED THE SUM OF ONE PENNY PER ACRE ON EACH ACRE OF LAND IN SAID TOWN ANNUALLY, PUBLICK RIGHTS EXCEPTED, FOR THE TERM OF THREE YEARS FROM THE PASSING THIS ACT.—

[Passed June 17, 1791. Original Acts, vol. 13, p. 25; recorded Acts, vol. 6, p. 436.]

Whereas the Selectmen of said New Hampton have Petitioned the General Court representing that there are several Roads leading through said Town, to the Towns above said Town which Roads being lengthy & very bad to make convenient for passing, therefore prayed the General Court to grant them a Tax of one penny per acre on the lands of the Non residents for the purpose of making & repairing Highways in said Town, & after a full hearing on said Petition & it appearing reasonable, Therefore be it enacted, by the Senate & House of Representatives in General Court convened, that the Selectmen of said New Hampton for the time being be, & they are hereby enabled to assess & cause to be collected the sum of one penny per Acre on each acre of Land in said New Hampton (publick rights excepted) annually for the term of Three years from the passing of this Act for the sole purpose of making & repairing Highways in said Town of New Hampton, in the same way & manner As the State Taxes of Nonresidents are assessed & collected by Law.—

And be it further enacted by the Authority aforesaid that the collectors of said Taxes shall cause the same to be advertized in the New Hampshire Gazette Three Weeks successively giving Six Weeks notice to the owners or proprietors of said Land, that they have liberty to pay said Taxes in labour on said Highways under the direction of the said Selectmen at the rate of Three Shillings per day for an able bodied man to be done between the

first day of June & the last day of September in each year & if the owners or proprietors shall fail to pay the same as aforesaid then the Selectmen may cause said labour to be done as aforesaid & that the collectors may sell so much of the delinquents land at publick vendue as will pay the sums aforesaid & legal costs, first causing the same to be advertized for sale as the law directs in case of the sale of Lands for the payment of State Taxes of the Nonresident proprietors or owners thereof, except the advertizing by the States collector, & may execute a good & valid Deed of the same to the purchaser.

Provided always, that the same equity of redemption shall be allowed to the proprietors or owners their heirs or assigns as allowed by Law in case of sales of Lands for the payment of Nonresident State Taxes.

And be it further enacted that the said Selectmen shall within Four years from the passing of this Act render an account of the expenditure of the monies arising as aforesaid to the Court of the General Sessions of the Peace in & for the County of Strafford on pain of incurring & forfeiting the sum of Two Hundred Pounds to be recovered in any Court proper to try the same the one half to the person or persons who shall sue for the same & the other half to the use of said County.

#### VOTES, RESOLVES, ETC. OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of* }  
*New Hampshire.* }

In the House of Representatives, December 7, 1791.

Voted that Tamworth Eaton and Burton be considered as a Class for Representation and that they have liberty to elect and send a Representative to the General Court in future

Senate concurred December 7, 1791.

*State of* }  
*New Hampshire.* }

In the House of Representatives, December 9, 1791.

Resolved that in future the Town of Conway Bartlett and the Locations to the North of Bartlett in this State together with Sterling's Archibald Starks and Samuel Starks Locations south of said Conway have liberty to choose & send a member to the General Court—And that Tamworth Eaton and Burton also have liberty to choose and send a Member to said Court—Each of said Districts following the rules and Regulations of the Constitution and Laws of said state for chusing and Sending Representatives to said Court

Senate concurred December 9, 1791, with an amendment, in which the House concurred, classing Blairs, Caldwells, McNeils and Martins, with Tamworth, Eaton and Burton.

*State of* }  
*New Hampshire.* }

In the House of Representatives, December 13, 1791.

Voted that the Secretary be directed to procure two hundred printed copies of the Act respecting schools passed the present Session that the same may be distributed to the Several Towns in this state at the close of the present Session

Senate concurred December 14, 1791.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, December 28, 1791.

Voted that Thursday the fifth day of April next be observed and kept as a day of public humiliation fasting and prayer throughout this state and that his Excellency the President with advice of Council Seasonably issue a Proclamation for that purpose—

Senate concurred December 29, 1791.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 2, 1792.

Resolved that all Commissioned and non commissioned Officers Soldiers and Seamen who have not been inspected or who may have been Inspected and refused or struck off the list of Invalids may make application to Doct<sup>r</sup> Samuel Tinney and Doct<sup>r</sup> William Parker of Exeter for Examination who are hereby continued Inspectors of Invalids and on its appearing to the Inspectors that any of them ought to be on the Invalid pension list they shall certify the Same to the President of this state stating the facts relative to the subject and that he be desired to make proper application to Congress on their behalf agreeable to any Act or Resolve of Congress or the state respecting Invalid Pensioners—

Senate concurred January 2, 1792.

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*State of* }  
*New Hampshire.* }

In the House of Representatives, January 3, 1792.

Voted that the Masonian proprietors so called pay in to the Treasury New Hampshire state notes so much with what notes they have already paid upon said Bond as will amount to Six thousand three hundred and thirty three dollars and one third of a Dollar and that they have Liberty to discharge the ballance both Interest and principal that will then remain due on said Bond by paying seven shillings in Specie in lieu of and in full for each twenty shillings of the nominal sum of said Ballance.

Senate concurred January 4, 1792.

*State of* }  
*New Hampshire.* }

In the House of Representatives, January 6, 1792.

The Committee appointed to consider and report what measures shall be taken for appropriating the money in the Treasury reported that the Treasurer be directed to loan on Interest of Six p<sup>r</sup> Cent for any time not exceeding twelve months four thousand pounds of the money now in the Treasury to any person or persons who may apply for the Same taking their Obligations for the Sum loaned and public securities of this state or of the United states to the amount of fifty p<sup>r</sup> Cent more than the Sum loaned as collateral Security the value of which shall be estimated at the Specie value of such securities at the time of the deposit.

Senate concurred January 6, 1792.

[*Second Session, Held at Portsmouth, November 30; December 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 1791; January 2, 3, 4, 5, 6, 1792.*]

## [CHAPTER 1.]

*State of* }  
*New Hampshire.* }

### AN ACT ALTERING THE TIME OF HOLDING THE ANNUAL MEETING IN MOULTONBOROUGH

[Passed December 3, 1791. Original Acts, vol. 13, p. 26; recorded Acts, vol. 6, p. 438.]

Whereas the annual meetings in Moultonborough are now by law to be holden on the last monday in March And it has been found inconvenient that the meetings should be holden on that day

Therefore Be it enacted by the Senate & House of Representatives in General Court convened that the annual meeting in said town of Moultonborough Shall forever hereafter be holden on the first monday of March any law usage or Custom to the Contrary notwithstanding—



## [CHAPTER 2.]

*State of  
New Hampshire.* }

AN ACT TO ALTER THE NAME OF JOHN PEIRCE THE THIRD TO  
EDWARD JOHN PEIRCE

[Passed December 7, 1791. Original Acts, vol. 13, p. 27; recorded Acts, vol. 6, p. 439.]

Whereas John Peirce the third of Portsmouth in the County of Rockingham yeoman hath petitioned the General Court setting forth, that there are four persons inhabitants of the Town of Portsmouth aforesaid known and called by the name of John Peirce which often occasions difficulty and confusion in transacting business—and praying that the name of Edward might be added to his name, and that he by law might be named Edward John Peirce—which prayer appearing reasonable. Therefore—

Be it enacted by the Senate and House of Representatives of the State of New Hampshire in General Court convened, that the name of Edward be added to the name of the said John Peirce the third and that he be known and called by the name of Edward John Peirce in the same manner and to all intents and purposes the same as if he had been baptized by the name of Edward John any Law usage or custom to the contrary notwithstanding—

## [CHAPTER 3.]

*State of  
New Hampshire.* }

AN ACT GRANTING TO JOSEPH KIMBALL ESQUIRE THE EXCLUSIVE RIGHT OR PRIVILEGE OF MAKING WATERQUEECHE FALLS IN CONNECTICUT RIVER NAVIGABLE FOR BOATS

[Passed December 8, 1791. Original Acts, vol. 13, p. 28; recorded Acts, vol. 6, p. 440.]

Whereas the said Joseph Kimball hath represent'd to the general Court that the falls in Connecticut River opposite Plainfield known by y<sup>e</sup> name of Waterqueecche falls render the passing up & down said falls with Boats impracticable & praying that he may have the exclusive Right of cutting a channel thro' said falls under such regulations and Restrictions as the general Court shall think reasonable, and it appearing to the s<sup>d</sup> Court that the said Kimballs design is laudable & deserving the encouragement of y<sup>e</sup> legislature & that y<sup>e</sup> cutting of a channel thro' said falls so that Boats may pass up & down said River would be very beneficial to the Citizens of this State

Therefore Be it enacted by the Senate & house of Representatives in General Court conven'd that there be and hereby is granted unto the s<sup>d</sup> Joseph Kimball his heirs and assigns for ever the exclusive right and privilege of Cutting a channel through s<sup>d</sup> falls Provided the passage up s<sup>d</sup> River for boats & other things be not obstructed or in any degree injured by anything to be done by the s<sup>d</sup> Kimball or any person under him, And be it further enacted that for all Boats passing up s<sup>d</sup> falls thro' the channel so made and cut by the said Joseph Kimball there shall be paid to the s<sup>d</sup> Joseph Kimball his heirs or assigns Eight pence ꝑ Ton Estimating y<sup>e</sup> Tonage of the Boats at what they are capable of carrying Reckoning Twenty groce hundreds to the Ton, and on all loading in any Boats passing up s<sup>d</sup> River thro' such channel at one Shilling ꝑ Ton, and for all Boats and loading coming down s<sup>d</sup> River through said channel there shall be paid to the said Joseph Kimball his heirs or assigns four pence ꝑ Ton for all Boats and Six pence ꝑ Ton for all loading to be paid by the person Navigating such boats or carrying such goods or loading or by the owner thereof to be recovered by action in any Court proper to Try the same the Tole to continue for the Term of Forty Years from the passing of this act at the same rate as is heretofore set forth, and at the expiration of the Term of Forty Years one fourth part of the Tolage to be taken off unless a greater sum be stated by the Judges of the Superior Court

And be it further enacted that if any person shall neglect to pay the sums by him owing for such passage thro' said channel to the s<sup>d</sup> Joseph Kimball his heirs or assigns within Sixty days after such passage up or down said River thro' such channel then every such person shall be liable to pay three times the rates before in this act established to be Recovered by action in any Court proper to Try the same Provided the said Joseph Kimball or some person for him duly authorized be at all times ready within three quarters of a mile of s<sup>d</sup> channel or falls and within forty rods of said River at some stated place on the east side of said River ready to Receive the pay for such passage at the time of passing Provided allways & be it further enacted that this act shall be null and void to all intents and purposes if the s<sup>d</sup> Joseph Kimball shall not within four Years from the passing of this act cut said Channel & make said falls Navigable for Boats according to the true intent and meaning of this act

Provided also that if the s<sup>d</sup> Kimball his heirs or assigns shall at any time after the expiration of said Term of four Years neglect or refuse to keep said Channel Navigable and in Suitable repair for such Boats as usually have occasion to pass This act shall cease & become void

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT MAKING PROVISION IN CASE OF THE DEATH, RESIGNATION OR REMOVAL FROM OFFICE OF THE SHERIFF OF ANY COUNTY.—

[Passed December 10, 1791. Original Acts, vol. 13, p. 29; recorded Acts, vol. 6, p. 442. Laws, 1792 ed., p. 149.]

Whereas many and great inconveniences may arise in consequence of the death, resignation or removal from Office of the Sheriff of any County of this State from the want of provision being in such cases made by Law.—

For remedy whereof—Be it Enacted by the Senate and House of Representatives in General Court convened; that from and after the passing this Act, in case of the death, resignation or removal from Office of the Sheriff of any County: his Deputy or Deputies shall continue in office and shall execute the same in the name of the said Sheriff, until another shall be appointed & sworn into that Office, and until they shall have compleated all business which may have been intrusted to them previous to such decease, resignation or removal from Office—And the defaults and missfeasances of such Deputy or Deputies, in the mean time, as well as before, shall be adjudged a breach of the condition of the Bond or Bonds to the Sheriff who shall have deceased, resigned or have been removed from Office as aforesaid, and the Executor or Administrator of the deceased Sheriff shall have like remedy for the defaults or missfeasances in Office of such Deputy or Deputies during such interval as they would have been liable to, if the Sheriff had continued in life and in the exercise of his Office.

And Be it further Enacted, that in case of the resignation or removal from Office of any Sheriff, he shall be held answerable for compleating all business which may have been committed to his care, and for the delivery to his successor of all prisoners who may be in his custody at the time of his resignation or removal from Office, and for that purpose, may detain such prisoners in his custody until his successors shall be appointed and qualified as by law directed.

And be it further enacted, that it shall be the duty of the Sheriffs in this State in their respective Counties to appoint one or more Gaol Keepers, as ocasion may require, with full power, & whose duty it shall be, in case of the absence, death, or other disability of any such Sheriff, to take all necessary care of the Gaols & prisoners confined therein, as fully and amply to all intents & purposes as any such Sheriff might or ought to do—

which Gaol keepers shall, in case of the death or other disability of the sheriff or Sheriffs so appointing him or them, hold his or their said appointment untill other Sheriff or Sheriffs shall be sworn into office, & shall in all cases be Responsible for their conduct therein in the same way & manner as Deputy-sheriffs are in this act made responsible—

[CHAPTER 5.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE RIGHT AND PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF MERRIMAC RIVER IN JOHN BRYANT OF BOW HIS HEIRS AND ASSIGNS—

[Passed December 10, 1791. Original Acts, vol. 13, p. 30; recorded Acts, vol. 6, p. 447.]

Whereas John Bryant of Bow in the County of Rockingham Esquire has petitioned the General Court setting forth that he is the sole proprietor of the lands adjoining Merrimac River on both sides of the same, from the southerly boundary of Concord to the grant of ferriage lately made to James Robertson, being about one mile and an half on a straight line—and that, by the desire of many of the Inhabitants of the town of Bow who wish to attend public worship in Pembroke, he is convinced that an established ferry across Merrimac River, within the aforesaid limits, wou'd be of exceeding public and private utility—Wherefore he prayed that the exclusive right of keeping s<sup>d</sup> ferry might be granted to him his heirs and assigns—Which representation appearing just and the prayer of said petition reasonable—Therefore

Be it enacted by the Senate & house of Representatives in General Court convened that the sole and exclusive right and privilege of keeping a ferry over Merrimac River in any place within the bounds following (viz) the southerly bounds of Concord and the grant of ferriage lately made to James Robertson being about one mile and an half on a straight line be and hereby is granted to and vested in the said John Bryant his heirs and assigns, he or they from time to time as the same shall happen giving Bond with sufficient surety in the sum of Fifty pounds to the Clerk of the Court of General sessions of the peace for the County of Rockingham that the said ferry shall be well kept and constantly attended—

And be it further enacted that if any person or persons shall for hire or reward transport over said River within the limits aforesaid any person, creature or thing such person or persons so transporting shall forfeit and pay to the said John Bryant his

heirs and assigns the sum of forty shillings to be recovered by action of debt before any Court in said County proper to try the same—

Provided nevertheless—That the right of granting to any person or persons the privilege of a bridge within the limits aforesaid, under such Regulations as the General Court shall think proper, shall be and hereby is Reserved to the State—

## [CHAPTER 6.]

*State of  
New Hampshire.* }

### AN ACT EMPOWERING THE CHILDREN OF JOHN FISHER TO HOLD REAL ESTATE IN THIS STATE—

[Passed December 10, 1791. Original Acts, vol. 13, p. 31; recorded Acts, vol. 6, p. 446.]

Whereas John Peirce of Portsmouth in the County of Rockingham Esq<sup>r</sup> Attorney to John Fisher late of said Portsmouth Esq<sup>r</sup> now resident in great Britain hath petitioned the General Court representing that the said Fisher is possessed of considerable real estate in New Hampshire which the General Court by any Act passed February 28 1786 restored to him And that the said Fisher has a numerous family of Children some of whom were born in England and are thereby Aliens—And praying in behalf of said Fisher that the right given by the aforesaid Act to the said Fisher may in case of his death be extended equally to all his Children that they may inherit his estate aforesaid whether held in his own right or in right of his wife—Which prayer appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives of the State of New Hampshire in General Court convened, that the Children of the aforesaid John Fisher whether Citizens of this State or Subjects of Great Britain be empowered and they are hereby empowered to take—hold—and possess all the real estate of the said John Fisher at his decease whether held in his own right or in right of his wife) lying within this State—And whether devised to them by the last will and testament of the said John Fisher, or he dies intestate—in the same manner and as fully and absolutely as if they the said Children were lawful Citizens of this State—And be likewise empowered to sell and convey the same in like manner as Citizens of this State are empowered by law to convey real estate—

Provided always that if any of the Children of the said John Fisher shall not after his decease be residents within this State or some of the United States or come to reside within the

same, such one shall not continue to hold his particular share but may convey the same to any Citizen of this State or any of the United States and execute a legal and valid conveyance to the purchasor thereof

[CHAPTER 7.]

*State of  
New Hampshire* }

AN ACT IN ADDITION TO AN ACT PASSED THE 18<sup>TH</sup> OF JUNE A D 1789 INTITLED "AN ACT FOR REGULATING SCHOOLS IN THIS STATE AND FOR REPEALING ALL ACTS HERETOFORE MADE RESPECTING THE SAME"—

[Passed December 10, 1791. Original Acts, vol. 13, p. 32; recorded Acts, vol. 6, p. 448. Laws, 1792 ed., p. 277. See act of June 18, 1789. Repealed June 15, 1799.]

Be it enacted by the Senate and House of Representatives in General Court convened that instead of the sum of five pounds to be raised on every twenty shillings in the proportion Act, there shall be levied and assessed the sum of seven pounds, ten shillings, to be collected and appropriated in the same way and manner as in and by said Act is provided—

[CHAPTER 8.]

*State of  
New Hampshire.* }

AN ACT FOR REGULATING THE FISHERY IN CONNECTICUT RIVER—

[Passed December 10, 1791. Original Acts, vol. 13, p. 33; recorded Acts, vol. 6, p. 445. Laws, 1792 ed., p. 354. See act of January 9, 1795.]

Be it enacted by the Senate and House of Representatives in General Court convened That no person or persons shall between the fifteenth day of March and the first day of July in any year, set or draw any seine or seines or any other machine for the purpose of catching fish in Connecticut river, or in any river or stream falling into the same, from the rising of the sun on Saturday untill the rising of the sun on Tuesday morning—And every person who shall be convicted of any breach of this Act shall forfeit the sum of ten pounds, and also the value of the seine and other machines or utensils used in fishing as aforesaid, to be recovered by any person who shall sue for the same, before any Court having Jurisdiction thereof—

And all Acts heretofore made Regulating the fishery in the Rivers and streams aforesaid be and hereby are repealed excepting such Acts and part of said Acts as relate to mill-dams and sluices—

## [CHAPTER 9.]

*State of  
New Hampshire.* }

AN ACT FOR LAYING OUT A ROAD FROM CONCORD TO DURHAM  
FALLS AND NEW MARKET BRIDGE—

[Passed December 10, 1791. Original Acts, vol. 13, p. 34; recorded Acts, vol. 6, p. 443.]

Be it enacted by the Senate and House of Representatives in General Court convened that Joseph Badger Jr Henry Gerrish & Nathan Hoit Esquires be a Committee with full power and authority to survey and lay out a public Road or high-way from Concord in the County of Rockingham to Durham falls in the County of Strafford in the shortest and most convenient rout as to them shall appear; also a public road or high way from Newmarket bridge (so called) to join the aforesaid road (by them to be laid out) in the shortest and most convenient rout as to them shall appear—And the said Committee shall make a true plan of the Roads so by them laid out, and attest the same & make return thereof into the office of the several and respective Clerks of the Court of General Sessions of the Peace for said County of Rockingham and County of Strafford aforesaid, and to the Secretary's office; as soon as may be after they shall have compleated the same—And the roads or highways so by them laid out in pursuance of this Act shall be deemed and taken to be public highways and be repaired & kept in repair according to Law as other highways in this State are to be repaired and kept in repair—

And be it further enacted that the said Committee shall determine what compensation shall be made any Individual who shall be injured by the said roads being laid out through their lands as aforesaid, and make report thereof together with their plan as aforesaid which compensation shall be paid by the Town in which such land shall happen to be; and such person aggrieved shall have a legal right to demand the same—

And the said Committee shall have a reasonable compensation for their services and expences in laying out said roads to be paid out of the Treasury by order of the President—

## [CHAPTER 10.]

*State of  
New Hampshire.* }

AN ACT TO VEST IN JOHN YOUNG HIS HEIRS & ASSIGNS THE SOLE AND EXCLUSIVE PREVILEGE OF BUILDING CHIMNEYS AND ALTERING THOSE ALREADY BUILT AGREEABLY TO A DISCOVERY & INVENTION OF THE SAID YOUNG ACCORDING TO THE DISCRIPTION OF SAID DISCOVERY & INVENTION LODGED IN THE OFFICE OF THE SECRETARY OF SAID STATE—

[Passed December 12, 1791. Original Acts, vol. 13, p. 36; recorded Acts, vol. 6, p. 449.]

Whereas John Young of a place caled Concord in the County of Grafton in the state aforesaid Esq<sup>r</sup> hath petitioned the General Court representing—that he has discovered, & invented, the art of building Chimneys & altering those already built, in such manner as will render them morally certain of carrying Smoke in tight Rooms, by which means a vast saving of fuel may be made, & many other advantages received, in case the said invention should be published—wherefore he prayed the General Court would grant him, his heirs & assigns, the sole & exclusive previledge of building and altering Chimneys within this State, agreeably to said plan, for such term of time as might appear reasonable upon which Petition a Committee from both branches of the Legislature, after examining the discription of said invention, and finding that the said Young is the author, & inventer thereof, and that it will, probably, be of Great utility to the public—reported, that the said Young his heirs and assigns, have the exclusive previledge for fourteen years—

therefore, Be it enacted by the senate and house of Representatives in General Court conven'd—that there be, and hereby is Granted to the said Young as inventer of said art, his heirs & assigns, for the term of fourteen Years from and after the passing this act, the sole & exclusive previledge of building and altering Chimneys agreeably to said description, of the said discovery & invention lodged in said office, and if any person, or persons shall, within this State, build or alter any Chimney or Chimneys, Smoke or Smokes of a Chimneys, upon, or according to the said discreption of the said discovery & invention, or upon any plan—which shall appear to have grown out of the said discription & invention—the person or persons so offending shall forfeit & pay to the said Young his heirs & assigns, for each offence, the sum of thirty shillings to be sued for & recover'd in any Court within this State having Jurisdiction of the cause—and a Copy of the said discription & this Act shall be received in evidence



in any proper action which may be commenced for a breach thereof—and the said Young his heirs and assigns shall not demand of any person for the art of building or altering any one Smoke of a Chimney agreeably to said discreption, a sum exceeding three shillings, and upon the said sum being tendered by any person to the said Young his heirs or assigns, he or they shall inform of the said art, & give liberty to build or alter so many Chimneys as the money shall be tendered for at said rate—

And be it further enacted, That the said Young shall have at least one agent in each County within this State appointed, public notice of which shall be given, four months from the passing of this Act, and in any case when it is inconvenient for any person or persons to apply to said Young or some one of the Agents so to be appointed as aforesaid, for liberty to build or alter any Chimney upon his aforesaid plan before he or they proceed to build or alter any Chimney as aforesaid—in such case any such person or persons, so building or altering any Chimney as aforesaid and who shall within three months afterwards pay or tender the sum from him or them due, to said Young or any one of his said agents, he or they shall not be considered guilty of any breach of this act—

And be it further enacted that in case the said Young shall obtain a patent from the General Government of the United States for the exclusive privilege of building and altering Chimneys as aforesaid, and said patent shall extend to and operate in this State on the receipt thereof by the said Young his heirs or assigns, this act shall be void—

## [CHAPTER 11.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF COCKERMOUTH  
IN THE COUNTY OF GRAFTON TO LEVY A TAX ON ALL THE  
LANDS (PUBLIC LOTS AND UNDIVIDED LANDS EXCEPTED)  
IN SAID TOWN FOR MAKING AND REPAIRING THE HIGHWAYS

[Passed December 12, 1791. Original Acts, vol. 13, p. 37; recorded Acts, vol. 6, p. 451.]

Whereas the Select-men of the Town of Cockermouth aforesaid have petitioned the General Court Setting forth that their Public highways Stand in Great need of repairs and praying that all the Lands in Said Town both risident and Non risident may be taxed one peny pr acre for two years for the purpose of making and repairing said highways and after a hearing the Prayer of Said petition appearing reasonable in part—Therefore

Be it enacted by the Senate and House of Representatives in General Court Convened that the Selectmen or Assessors of Said Town be and hereby are impowered to assess a Tax of two pence p<sup>r</sup> acre on all the Lands in Said Town (Except the public Lots and undivided Lands as afforesaid) for one year, and the Selectmen of said Town shall appoint a Collector or Collectors to Collect the Same to be paid and appropriated for the Sole purpose of making and repairing the highways in Said Town the Tax on that part of the Lands in Said town which is owned by risidents Shall be Collected in the Same way as Town taxes are by Law to be Collected. and the taxes on that part of the lands which is owned by Nonrisident propriators Shall be Collected in the Same way as State Taxes assessed on nonrisident Propriators by law is Collected Except what relates to the advertizing by the Person appointed by the State at Exeter which may be omitted and instead of Such advertising the Said Collector or Collectors Shall two years previous to his Advertizing for Sale Notify in the New-Hampshire Gazette the Nonrisident owners or propriators of the taxes laid on their Lands and they Shall have the liberty of working out their taxes on the highways where the Selectmen Shall Direct at the rate of three Shillings p<sup>r</sup> Day for an able bodied Man at any time between the first day of June and the last Day of October within the Said term of two years—

And where any lands are Sold at public Auction by Vertue of this Act the Collector is hereby impowered to Give a Good and valid Deed of the Same and the Same time Shall be allowed for redemption and the Same mode be pursued in redeeming as in the Case of Lands Sold for non-payment of State taxes—and the risidents in Said town Shall have liberty of working out the Sums on them Assessed at the rate afforesaid and Shall have one Months Notice for that purpose and the Selectmen or Some person by them appointed Shall Superintend the work—

And the Said Selectmen Shall render a true account on oath unto the Court of General sessions of the peace in Said County within three years from the first advertizing how they have appropriated the Same on penalty of forfeiting one hundred pounds for neglect herein to be recovered in any Court proper to try the Same, the one half to the use of the prosecutor and the other half to the Use of the County.—

## [CHAPTER 12.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE STEPHEN HARFORD TO HIS LAW.

[Passed December 12, 1791. Original Acts, vol. 13, p. 38; recorded Acts, vol. 6, p. 453.]

Whereas Stephen Harford of Rochester in the County of Strafford Husbandman, hath petitioned this Court, and therein shewn that Thomas Shannon of Dover in said County Esq<sup>r</sup> Administrator *de bonis non* of the Estate of Thomas Westbrook Waldron late of said Dover deceased, at the Inferior Court of Common pleas holden at Dover in said County on the Third Tuesday of November Seventeen hundred & Eighty Eight, recovered a Judgment by default against said Stephen, as Executor *de son Torts* of the last will and Testament of his father Stephen Harford late of said Rochester deceased, for the Sum of fifty one pounds twelve Shillings & seven pence damage & one pound nine Shillings & two pence Cost of Suit—and afterward a *Scire facias* issued thereon against said Executor & at the said Inferior Court on the third Tuesday of August Seventeen hundred & Eighty nine the said Shannon in his said Capacity recovered a Judgment of said *Scire facias* against the said Harford Executor, & his proper goods & Estate, for the sum of fifty five pounds nine Shillings & four pence Damage and thirty Shillings Cost of suit—and that an Execution issued on said Judgment last mentioned and return<sup>d</sup> not satisfied, and an alias Execution issued thereon dated May tenth Seventeen hundred & ninety, & returned satisfied in part viz the sum of twenty three pounds ten Shillings—And therein further shews that no Estate of the said Stephen deceased came to the hands of said Stephen Executor—And thereupon prayed that a further Service of said Execution might be suspended till the final issue of said Cause—and that the said Stephen Executor might have Liberty to reenter said Action which was commenced against him as *Executor de son Tort*, & to make such legal defence therein as he might have done before said default: The Substance of which petition and the facts therein stated being proved, & the prayer thereof appearing reasonable—

Therefore, be it enacted by the Senate and house of Representatives in General Court convened, that the said Stephen Harford the Petitioner have Liberty to reenter said Action first commenced against him by said Shannon at the Court of Common pleas next to be holden at Dover in said County on the third Tuesday of February next, & to plead thereto and make such defence therein as he might have done at the first bringing

forward said Suit, before any default had been suffered, & the said Court is hereby empowered to sustain said Action and determine the same in the same Manner that they might have done, at the first bringing forward the same, And in Case the said Stephen shall finally recover in said Action against said Shannon in his said Capacity, that then the Judgments aforesaid which have been rendered therein against said Stephen be vacated and rendered null and void, and that the Jury and Court that may hereafter try the same be, and they hereby are empowered to award Restoration of the said sum of twenty three pounds ten Shillings which said Harford has paid towards said Execution, in the same Manner as they might do in Cases of Review where issue has been joined, & a trial had thereon—

And be it further enacted That the said Harford shall cause An attested copy of this Act to be left at the said Shannons last & usual place of abode or read to him fifteen days before said third tuesday of February next—

### [CHAPTER 13.]

*State of  
New Hampshire.* }

#### AN ACT TO RESTORE JONATHAN WADLEIGH TO HIS LAW.—

[Passed December 13, 1791. Original Acts, vol. 13, p. 39; recorded Acts, vol. 6, p. 455.]

Whereas Jonathan Wadleigh of Northfield in the County of Rockingham and State aforesaid hath petitioned the General Court representing that James Linsey Perkins of Northfield aforesaid, previous to the Inferior Court of Common Pleas for said County in November Anno Domini 1790, had in his possession a note for Three pounds Thirteen Shillings lawful Money, payable to said Perkins with the said Wadleigh's name Thereto subscribed, which Note he never signed; on which the said Perkins commenced an Action at the said Inferior Court holden at Portsmouth in November Anno Domini 1790 which Action was continued to the then next term, and that in the mean time, the said Perkins and said Wadleigh mutually agreed to submit the said Action and all demands between them to arbitration, & entered into Bonds accordingly, but the said Perkins regardless of his said agreement, & taking advantage of the said Wadleigh's absence at the said next Term, recovered Judgment against him, by default: Wherefore he prayed that he might be restored to his Law, have leave to reenter said Action at the said Inferior Court & have a Trial on the Merits of the same in the ordinary course of the Law.—Which facts being proved and the prayer appearing reasonable—Therefore, Be it enacted by the Senate

& House of Representatives in General Court convened, that the s<sup>d</sup> Wadleigh have leave to reenter said Action at the next Term of said Inferior Court, to plead thereto, have a Trial thereon, and proceed therein, as the Law directs for the trial of Civil Actions, said default notwithstanding; And in Case the original Plaintiff shall become Nonsuit, or the Jury find reversal of the Judgment obtained by Default or the Court give Judgment upon demurrer in favor of said Wadleigh there shall be restitution of Damages awarded by the Judgment given on Default together with the Costs taxed thereon, and legal Costs of Court—

And be it further enacted, That the said Wadleigh shall cause an Attested Copy of this Act to be served upon the said Perkins fifteen Days before the first Tuesday in February next by reading the same to him or leaving it at his last & usual place of abode.

[CHAPTER 14.]

*State of  
New Hampshire.* }

AN ACT ALTERING THE TIME OF HOLDING THE ANNUAL MEETING  
IN DUNBARTON

[Passed December 14, 1791. Original Acts, vol. 13, p. 40; recorded Acts, vol. 6, p. 459.]

Whereas the Annual Meetings in Dunbarton are by law to be holden on the Second Tuesday of March and it has been found inconvenient that the Meetings should be holden on that day therefore

Be it enacted by the Senate & House of Representatives in General Court Convened that the Annual Meetings in said Town of Dunbarton Shall forever hereafter be holden on the first Tuesday of March any law usage or Custom to the Contrary notwithstanding

[CHAPTER 15.]

*State of  
New Hampshire.* }

AN ACT FOR ASSESSING TWO PENCE PER ACRE ON THE NON RESIDENTS LANDS IN CHICHESTER FOR REPAIRING A ROAD THROUGH SAID TOWN—

[Passed December 14, 1791. Original Acts, vol. 13, p. 41; recorded Acts, vol. 6, p. 456.]

Whereas a Petition hath been preferred to the General Court by the Selectmen of Chichester setting forth that the Inhabitants labour under disadvantages by reason of their inability to

make and repair the highways through said town—And praying to be empowered to assess and collect a tax of two pence per acre on the unimproved lands owned by nonresidents situate in said town for the purpose of making and repairing a public highway through said town from Captain Reuben Kimball's in Concord to the Portsmouth road leading thru Epsom which prayer appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the Selectmen of the said town of Chichester be empowered and they hereby are empowered to assess a tax of two pence per acre on all the lands owned by non residents Situate in said town of Chichester and to collect the same by a proper Collector for that purpose—which tax so collected shall be laid out in making and repairing the road aforementioned in the Preamble of this Act—And the said Collector shall give notice of the said tax being committed to him to collect, by publishing the same in the New Hampshire Gazette three weeks successively—Which tax shall be made on said lands in the way pointed out by law for levying state taxes upon the lands of Nonresidents—And in case the owners of such lands after such notice shall refuse or neglect to pay their respective taxes, the said Collector shall sell the said lands at public vendue, so much thereof as will pay the tax due and reasonable incidental charges, first advertising the same as by law Nonresidents lands are to be advertised for the payment of state taxes, saving, what relates to the advertising by the State's Collector of Non-resident's taxes And may execute a good and valid deed to the purchaser—And the same equity of redemption shall be allowed, and in the same manner as prescribed by law in case of Non-resident's lands being sold for the payment of state taxes—

And be it further enacted that the Selectmen aforesaid shall within two years after the passing this Act render a true account under oath to the Court of General Sessions of the peace for the County of Rockingham of all monies by them received in virtue of this act and how the same shall have been appropriated; under penalty of forfeiting and paying the sum of two hundred pounds for such neglect to any person who shall sue for and recover the same—

And be it further enacted that any Nonresident whose lands shall be taxed as aforesaid, shall have liberty of working out said tax under the direction of the Selectmen at the rate of three shillings per day in three months after notice given as aforesaid by advertising—

## [CHAPTER 16.]

*State of  
New Hampshire.* }

## AN ACT TO RESTORE JAMES WALLACE TO HIS LAW

[Passed December 14, 1791. Original Acts, vol. 13, p. 42; recorded Acts, vol. 6, p. 458.]

Whereas James Wallace of Henniker in the County of Hillsborough hath petitioned this Court, setting forth, That a Writ of Error was sued out against him by Moses Smith of Dearing in said County returnable to the superior Court of Judicature holden at Amherst on the second Tuesday of May last, of which he was duly notified, but thro' sickness providentially prevented from attending at said Court or answering to the same, by reason whereof Judgment was rendered in favour of the plaintiff in Error, and against the said Wallace for Costs, & hath supplicated relief in the premises—which appearing reasonable

Be it Enacted by the Senate, & House of representatives in General Court convened—That the said James Wallace, be, and he hereby is enabled to re-enter said Action at the next superior Court of Judicature that shall be holden in, and for said County of Hillsborough, and the parties to said Action are hereby enabled to pursue, prosecute, plead to and defend the same, as fully as if no Judgment had been rendered thereon—and said superior Court is hereby authorized, and impowered to sustain, hear, try & determine said Action, and to annul, alter or confirm the Judgment already rendered therein as fully as they might or could do, were the same to be brought before them by an Action of review in the common course of the Law, and to issue execution accordingly. Provided nevertheless and be it further Enacted, That the said James Wallace shall at least fourteen days prior to the setting of the next superior Court in said County of Hillsborough, cause the said Moses Smith to be served with an Authenticated copy of this Act, and in case the said James shall not within three days after the opening of said Court, re-enter said Action, the said Moses may, and he hereby is enabled to file his complaint thereon, against the said James Wallace, & to recover his costs against him, as in case of a non-suit—

## [CHAPTER 17.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER NATHANIEL GILMAN ESQUIRE TO SELL  
CERTAIN REAL ESTATE OF MARY ANN ODLIN AND CHARLOTTE  
ODLIN—

[Passed December 16, 1791. Original Acts, vol. 13, p. 43; recorded Acts, vol. 6, p. 460.]

Whereas Nathaniel Gilman Esqr has Petitioned the General Court representing, that he is chosen and appointed Guardian of Mary Ann Odlin and Charlotte Odlin, both minors and Children & heirs of the Rev<sup>d</sup> Woodbridge Odlin late of Exeter deceased—That he, with John Odlin and the said Minors are owners in equal Shares of a farm in Brintwood in the County of Rockingham in said State containing about One hundred & fifty Acres—That he and the said John are about to sell their shares, in said Farm, which cannot be done without injuring the Shares of said Minors—That 'twill be for the interest of said Minors that the whole be sold together, and praying that he may be authorized and empowered to sell and convey their several Shares—Which representation appearing true, & the prayer thereof reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court convened. That the said Nathaniel Gilman be, and he hereby is, authorized and empowered to make sale of the whole of the shares of Mary Ann Odlin and Charlotte Odlin, in the real estate of their late Father, the Rev<sup>d</sup> Woodbridge Odlin late of Exeter deceased lying in Brintwood in the County of Rockingham, in such manner as the said Nathaniel shall deem most for the benefit of the said Mary Ann, & Charlotte—And to make and execute good & valid deed or deeds of the same to the purchaser or purchasers. The said Nathaniel first giving Bond with sufficient sureties in an adequate sum, to the Judge of the probate of Wills &c<sup>a</sup> for the County of Rockingham to account for the Monies raised by said Sale & the interest on the same with the said Mary Ann, and Charlotte respectively when they arrive at full age, or at such earlier period as the said Judge shall order—



## [CHAPTER 18.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE MARY TUFTON MASON TO TAKE AN APPEAL FROM A CERTAIN DECREE OF THE COURT OF PROBATE FOR THE COUNTY OF ROCKINGHAM TO THE SUPERIOR COURT, NEXT TO BE HOLDEN IN THE SAME COUNTY—

[Passed December 19, 1791. Original Acts, vol. 13, p. 44; recorded Acts, vol. 6, p. 462.]

Whereas Mary Tufton Mason of Brigden in the County of Huntington in the Kingdom of Great Britain—Widow, hath represented to the General Court, that as executrix of the last will and Testament of her late husband John Tufton Mason Esquire, deceased, She hath caused the proper Copy of his Will to be filed in the Register's office of the said Court of Probate, and that without her knowledge Administration cum Testamento annexo hath been granted on his Estate to Doctor Nathaniel Appleton Haven, and by accident she hath lost the legal right of appeal from said decree granting said administration, praying that she may be allowed to take out her appeal therefrom such Accident, and the lapse of time notwithstanding, which facts being proved, & said prayer appearing reasonable, Therefore

Be it enacted by the Senate and House of Representatives in general Court convened, that the said Mary Tufton Mason be, and she is hereby enabled and empowered to take out an appeal at any Time within sixty days from this Time, from said decree, granting administration as aforesaid, (giving bond and notice as the Law requires,) to the Superior Court next to be holden at Portsmouth in said County, and to enter and prosecute said appeal thereto; and have judgment thereon, as though the same had been taken within the Time, and in the manner prescribed by Law, any lapse of time or Law to the contrary notwithstanding—

## [CHAPTER 19.]

*State of  
New Hampshire.* }

AN ACT TO LAY A TAX OF ONE PENNY  $\text{p}^d$  ACRE ON THE NON-RESIDENTS LANDS IN OSSIPEE FOR THE PURPOSE OF MAKING AND REPAIRING HIGH WAYS.—

[Passed December 21, 1791. Original Acts, vol. 13, p. 45; recorded Acts, vol. 6, p. 463.]

Whereas a Petition hath been preferred to the General Court in behalf of the Inhabitants of Ossipee, praying for a Tax of two pence  $\text{p}^d$  Acre on the Lands of the Nonresidents in said Ossipee,

for the purpose of mending and repairing the public high ways therein.—And whereas it is agreed on the part of the Nonresident owners that a Tax of one penny ꝓ Acre on said Lands should be granted them for the purposes aforesaid.—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the Select Men of said Ossipee, be empowerd, and they hereby are empowerd, to Assess a tax of one penny Per Acre on all the Lands owned by nonresidents situate in said Ossipee, and to commit the same Assessment to Jacob Brown & Joseph Fogg Esquires, who are to collect the same, and lay out the proceeds thereof in making and repairing the public high ways in said Ossipee, and the said Collectors shall give notice of the said Assessment being committed to them to collect, by publishing the same in the New Hampshire Gazette three weeks Successively,—And the said Assessment shall be made on said Lands in the way pointed out by Law, for Assessing State Taxes upon the Lands of Nonresidents, and the owner of such Lands, shall have two years to work out or pay said Taxes, one half in each year, and three Months from such publication each year, shall be allowed said nonresidents to work out said tax, on said Roads, under the direction of said Collectors, at the rate of three Shillings ꝓ day, for an able Labouring Man; And in case the owners of such Lands shall not work out their said Taxes, within the term aforesaid, nor within one month, from and after the expiration of said three Months, pay to said Collectors or either of them, his tax, the said Collector, shall sell at public Vendue (according to law for the sale of Lands at Public Vendue for the payment of Taxes) so much of said Lands, respectively, as will pay the Taxes due thereon, & reasonable incidental charges.—And Said Collectors before they proceed to sell said Lands, shall advertize the same, as by Law the Lands of Non-residents are to be advertized for sale for the payment of State Taxes, Saving what relates to the Advertizing by the States Receiver of non-resident taxes, and said Collector may execute a good and Valid deed, to the purchaser, and the same equity of Redemption shall be allowed, and in the same manner as is prescribed by Law in cases of non-residents Lands being sold for the payment of State Taxes—

And be it further enacted, that the said Collectors before they undertake the collection of any of the Taxes aforesaid, shall give bond with Sufficient Sureties to the County Treasurer, for the County of Strafford in Double the sum said Assessment may amount to, To Account upon oath within three Years, from the time Said Assessment is made with the County Sessions, for all monies & Labour by them Received on Account of the aforesaid Assessment, and that the same shall have been expended faith fully for the Public good—

## [CHAPTER 20.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER Y<sup>e</sup> INHABITANTS OF NEW GRANTHAM IN THE COUNTY OF CHESHIRE TO LEVY A TAX ON ALL THE LANDS PUBLICK LANDS EXCEPTED IN S<sup>d</sup> TOWN FOR MAKING AND REPAIRING HIGHWAYS THEREIN

[Passed December 21, 1791. Original Acts, vol. 13, p. 46; recorded Acts, vol. 4, p. 466.]

Whereas the Inhabitants of New Grantham afores<sup>d</sup> have petitioned the General Court setting forth that there is a large part of said Town that there is no Inhabitants and it is found to be necessary for the accomodation of y<sup>e</sup> publick that a road should be made through said Town from Plainfield to Protectworth and praying that a Tax of one penny ʒ acre be laid on all Lands in said Town excepting the last or after Devision supposed to be one hundred acres to each right which they pray may be Taxed at half penny ʒ acre for one Year Publick Lands excepted for the sole purpose of making & Repairing Roads therein which prayer appearing reasonable Therefore

Be it Enacted by the Senate & house of Representatives in General Court conven'd that the Selectmen of said New Grantham be and hereby are empowered to assess a Tax of one penny ʒ acre on all the Lands in said Town excepting the last or after Devision which is one half penny ʒ acre publick Lands Excepted as aforesaid for one Year and to commit the same assessment to John Duncan Robert Scott and Samuel Duncan Esq<sup>r</sup> who are to collect the same and lay out the proceeds thereof in making and Repairing the publick highways in s<sup>d</sup> New Grantham Two thirds of which sum to be laid out on y<sup>e</sup> Highway leading from Plainfield to Protectworth That part of said Tax laid on the Residents lands should be collected as Town taxes are by Law to be collected and the Taxes on that part which is own'd by non residents shall be collected the same way as State Taxes assessed on Nonresident proprietors by Law are collected excepting what relates to the Advertising by the person appointed by the State at Exeter which may be omitted and in stead of such advertising the Collector shall notify the Non-resident proprietors of the Taxes laid on their Lands who shall have the Liberty to work out said Taxes at the rate of three shilling ʒ day for an able bodied man at any time between the first day of May & the last day of October and the s<sup>d</sup> collector previous to any sale of any delinquents lands shall give six months notice in the New Hampshire Gazettee when & where the sale of their Lands shall be made, and when any lands are

sold at publick Auction by virtue of this act the collector is hereby empowered to give a good and valied Deed of the same and the same time shall be allowed for redemption and the same mode be pursued in Redeeming said Land as in case of lands sold for payment of State Taxes and the residents in said Town shall have the liberty of working out the Tax on them assessed at the Rate aforesaid, and shall have one Months notice for that purpose and the said John Duncan Robert Scott & Samuel Duncan shall render upon oath a Just and true account unto the Court of General Sessions of the peace of said County within three Years after the publication of the last advertisement how they have appropriated the same on penalty of forfeiting one hundred pounds for neglect therein to be recovered in any Court proper to Try the same, the one half to the use of the prosecutor and y<sup>e</sup> other half to the use of the County where the land lies—and the said John Duncan Robert Scott and Samuel Duncan or some person or persons by them appointed shall Superintend said work

[CHAPTER 21.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE INHABITANTS OF DORCHESTER IN THE COUNTY OF GRAFTON TO LEVY A TAX ON ALL LANDS (PUBLICK LANDS EXCEPTED) IN SAID TOWN FOR MAKING AND REPAIRING THE HIGH WAYS

[Passed December 21, 1791. Original Acts, vol. 13, p. 47; recorded Acts, vol. 6, p. 464.]

Whereas the Selectmen of the town of Dorchester aforesaid have petitioned the General Court Setting forth that their publick highways stand in great need of Repairs and praying that all the unimproved lands in said town may be taxed two pence 7<sup>d</sup> acre for one year for the purpose of making and Repairing Said highways, and after a hearing—the prayer of Said petition appearing in part reasonable—Therefore

Be it enacted by the Senate and house of Representatives in General Court Convened that the Selectmen or assessors of Said town of Dorchester be and hereby are Impowered to assess a tax of two pence 7<sup>d</sup> Acre on all the lands in Said town (publick lots excepted) for one year and the Selectmen of Said town shall appoint a collector or Collectors to Collect the Same to be laid out and appropriated for the Sole purpose of making and repairing the highways in Said town. the tax on that part of the lands which is owned by residents Shall be Collected in the way as town taxes are by law to be Collected and the taxes on that part of the land owned by nonresident proprietors Shall be Collected

in the Same way as State taxes assessed on non resident proprietors is Collected except what relates to the advertiseing by the person appointed by the State at Exeter which may be omitted and instead of Such advertising the Said Collector or Collectors Shall two years previous to his advertiseing for Sale notify in the newhampshire gazette the non-resident owners or proprietors of the taxes laid on their lands and they Shall have the liberty of working out their taxes on the highways where the Selectmen Shall direct at the rate of three Shillings 7<sup>d</sup> day for an able bodied man at any time between the first day of may and the first day of October within the Said term of two years

And Be it further Enacted that where any lands are sold at publick Auction by virtue of this act the Collector is hereby impowred to give a good and valid deed of the Same—and the Same time Shall be allowed for the Redemption as in the Case of lands Sold for non-payment of State taxes—and the Residents in Said town Shall have the liberty of working out the Sums on them assessed at the rate aforesaid and shall have one months notice for that purpose and the Said Selectmen or Some person by them appointed Shall Superintend the work

And the Said Selectmen Shall render a true account on Oath to the Court of General Sessions of the peace in Said County within the term of three years from the publication of the first advertisement how they have appropriated the money raised by virtue of this act on penalty of forfeiting two hundred pounds for neglect herein to be recovered in any Court proper to try the Same—the one half to the use of the prosecutor and the other half to the use of the County—

## [CHAPTER 22.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER THE JUDGE OF PROBATE OF THE COUNTY OF ROCKINGHAM, FOR THE TIME BEING, TO APPOINT COMMISSIONERS AND ALLOW A FURTHER TIME FOR SETTLEMENT OF THE ESTATE OF ROBERT CURTIS, DECEASED, REPRESENTED INSOLVENT

[Passed December 22, 1791. Original Acts, vol. 13, p. 48; recorded Acts, vol. 6, p. 472.]

Whereas Elizabeth Curtis, widow & Administratrix to the Estate of Robert Curtis late of Portsmouth Mariner, deceased, did prefer a Petition to the General Court of the State of New-hampshire at Their Sessions holden at Concord on the first Day June A D 1791, Seting forth, that said Estate was represented insolvent, & Commissioners appointed to receive and examine

the Claims on said Estate, who attended that Buisness, that by Reason of a long Series of Sickness, and other Casualties, the Petitioner & Commissioners out staid the Time allowed by Law to return The Claims to the Judge of Probate for Dividend & Settlement of said Estate, And Praying that a longer Time may be allowed by the said Judge of Probate, and Commissioners appointed to receive & examine the Claims on said Estate & return the same for Dividend & Settlement thereof, according to Law, The Prayer wherof being reasonable and Granted, Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that the Judge of Probate of the County of Rockingham, for the Time being may allow the said Elizabeth Curtis Administratrix to the said Robert's Estate, Such further Time to settle the same, as he shall think fit & proper according to the Circumstances of said Estate, and may appoint and authorise Commissioners in due Form of Law to receive and examine the Claims on said Roberts Estate in the same Manner, as if no such Commissioners had been heretofore appointed for that Purpose, any thing in the Law of this State to the Contrary thereof, Notwithstanding.—

### [CHAPTER 23.]

*State of  
New Hampshire.* }

#### AN ACT TO AUTHORIZE THE ASSESSMENT & COLLECTION OF TAXES IN THE TOWNSHIP OF COVENTRY IN THE COUNTY OF GRAFTON IN SAID STATE—

[Passed December 22, 1791. Original Acts, vol. 13, p. 49; recorded Acts, vol. 6, p. 470. See act of December 28, 1792.]

Whereas the Inhabitants of said Coventry have Petitioned the General Court, among other things, representing—that there are no selectmen in said Town—and that there are not in said Coventry a Sufficient number of freeholders & Inhabitants to enable them to choose Town officers—that if there were Town officers they could not by law assess & collect back Taxes—that the most of the Inhabitants of said Town have paid Taxes in other Towns for the Years for which the taxes lay against said Town—that they cannot tell to what right, or rights, the lots of Land which are laid out, are appropriated—and that an extent now lays against them for the whole of said taxes, and prayed for relief in the premises—and it appearing reasonable that the Inhabitants should be relieved, & some way pointed out whereby the Taxes due from said Town should be assessed & collected—Therefore—

Be it enacted by the Senate & House of Representatives in

General Court convened, that the Hon<sup>l</sup> Nath<sup>l</sup> Peabody of Atkinson Esq<sup>r</sup> Obadiah Eastman Esq<sup>r</sup> and Mr Moses Noyes both of said Coventry, or either two of them be & hereby are appointed assessors for said Town & are hereby authorized & impowered to assess & cause to be Collected by their warrant to some proper person, a freeholder & inhabitant of said Coventry (who shall be under oath) all the State & County Taxes now due from said Town in one Tax bill distinguishing each Years Tax by itself, upon the Lands in said Coventry by taxing said Lands by the rights in the name of the original Grantees thereof, and said assessors & Collector shall observe & proceed agreeably to the Laws of said State respecting the assessment & collection of taxes upon unimproved lands of non-residents, in assessing, & collecting the same, & in making Sale & conveyance of lands for that purpose, & the same mode of redemption shall be allowed—and be it further Enacted, that no extent for said taxes shall issue against said Town, the said assessors, or the said Collector so to be appointed as aforesaid,—within one Year from the passing this Act, after which period the said assessors & collector shall be in all respects liable, & to all intents accountabl, for said taxes, as selectmen & assessors, Constables & Collectors, of incorporated towns are by law accountable for the tax or taxes of the Town, or Towns in which they live—any law usage or custom to the contrary notwithstanding—

## [CHAPTER 24.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF  
THE NEW HAMPSHIRE FRIENDLY SOCIETY—

[Passed December 22, 1791. Original Acts, vol. 13, p. 50; recorded Acts, vol. 6, p. 475.]

Whereas Daniel Rindge, Thomas Martin and John Pickering Esquires have petitioned the General Court representing that they, with certain other persons, by the Name of the New Hampshire Friendly Society, had formed a fund for friendly, charitable and literary purposes, but found the benevolent design of the Institution could not be promoted and perpetuated, unless they were erected into a body politic. Wherefore they prayed that said society might be incorporated by that Name. The design of which institution appearing benevolent, and the end beneficent, Therefore Be it Enacted by the Senate and House of Representatives in General Court convened that John Langdon John Pickering and Thomas Martin all of Portsmouth aforesaid Esquires, and others now members of said Society,

together with such others as may be elected members thereof, Be and hereby are incorporated by the Name of The New Hampshire Friendly Society, to continue as a body corporate and politic with power of perpetual Succession. And the said Society is hereby capacitated and enabled, for the purposes aforesaid to take receive and hold any real or personal estate by grant, devise, bequest, gift, purchase or any other legal mode of conveyance; provided the annual income and interest of such estate so acquired and holden shall never exceed the sum of two thousand pounds, And the said Society shall also have power to exchange, aliene and convey all or any part thereof as occasion may require—And the said Society by the name or style aforesaid, is hereby authorized to commence prosecute or defend any actions or suits for or against them in like manner as other bodies corporate may do by the Laws of this State

And Be it further Enacted, that a meeting of said Society shall be holden annually at said Portsmouth on the Ninth day of August, and if that day should happen to be Sunday, then on the next day following. And the said Society may call and hold quarterly or occasional meetings, at such time and place within this State, and in such manner as they from time to time may direct, At any of which meetings, they may, by a majority of votes of the members present, choose any officers the Society may think proper for the regulation of their meetings, or the management of their affairs. And the said Society is hereby empowered at any such meeting by vote as aforesaid to regulate and determine their proceedings respecting the appropriation of their funds or direction of their affairs, and shall and may make and establish any rules, orders and regulations for the management of their affairs or interest, not repugnant to the Laws of this State, excepting the admission of members, as hereinafter provided—

And Be it further Enacted that said Society at their Annual Meetings, and at no other may admit members in such way and manner as they may agree and determine upon. And the Records and proceedings of said Society, posterior to this incorporation and authenticated copies thereof, shall be received in evidence in the same manner, as the records and authenticated copies of other corporations within this State

And Be it further Enacted that John Pickering Esquire be and hereby is authorized and appointed to call the first meeting of said society, by virtue of this incorporation, giving notice of the time and place thereof in one of the New Hampshire Newspapers published in said Portsmouth Fifteen days at least prior to the time of holding such meeting



## [CHAPTER 25.]

*State of  
New Hampshire.* }

AN ACT TO DISANNEX CERTAIN LANDS IN THE TOWN OF NEW CASTLE WITH THEIR INHABITANTS FROM SAID TOWN, AND ANNEX THE SAME TO THE PARISH OF RYE—

[Passed December 22, 1791. Original Acts, vol. 13, p. 51; recorded Acts, vol. 6, p. 473.]

Whereas a number of the inhabitants, and owners of lands in said Town of New Castle, have petitioned the General Court representing that from their local situation they have long laboured under great inconveniencies by being detached from the stated place of public town meetings & Schools by a river running between them, and the compact part of the Town, which is many times impassible, so as to render it impossible for them to attend, and vote on any public business, thereby losing their influence in town Affairs, and even when they can attend, their numbers are so small they are out-voted by the other part of the Town, in consequence whereof they are obliged to pay for what the others please to vote, particularly the salaries of School masters, without having any benefit from them—for all which, and many other good reasons humbly praying that they, together with their estates, may be disannexed, from the said Town of New Castle, and annexed to the said Parish of Rye—The material facts contained in said petition, appearing to be true, and the prayer thereof reasonable—

Be it enacted by the Senate & House of representatives in General Court convened that all the lands and estates situated on the South west side of the river, whether belonging to the Petitioners or others, be, and the same hereby are, disannexed from said Town of New Castle, and annexed to the said Parish of Rye, and that all said lands estates, and persons, who now do, or hereafter may dwell thereon, shall henceforth be exempted from paying all future taxes to said Town of New Castle, and be forever hereafter liable to pay the same to the said parish of Rye—and all that do, or hereafter may live on said land shall be entitled to all the priviledges and immunities in common with the other inhabitants of said Rye—Provided always nevertheless that nothing in this Act shall be construed to extend to any taxes already made, but the said inhabitants and owners shall be liable to pay the same to New Castle—as if this Act had not been made—as also all past debts and arrearages due from said New Castle, provided the accounts be completed, and the tax made therefor, within three years next after the passing this Act.—

And it is also further enacted by the authority aforesaid, that said inhabitants disannexed as aforesaid shall continue to pay their proportion of the State & County tax to said New Castle, until a new proportion shall be made by said state—

[CHAPTER 26.]

*State of  
New Hampshire.*

AN ACT TO LAY A TAX OF TWO PENCE  $\text{p}$  ACRE ON ALL THE LANDS IN THE TOWN OF WASHINGTON FOR THE PURPOSE OF MAKING AND REPAIRING THE HIGH WAYS—

[Passed December 22, 1791. Original Acts, vol. 13, p. 52; recorded Acts, vol. 6, p. 468.]

Whereas a Petition hath been presented to the General Court in behalf of the Inhabitants of Washington praying for a Tax of Three pence  $\text{p}$  Acre on all the Lands in said Washington for the purpose of mending & repairing the public high ways therein—

And whereas it is agreed on the part of the Nonresident Proprietors & owners, that a Tax of Two pence  $\text{p}$  Acre be laid on all the Lands in said Town, except the Lands now owned & possessed by Reubin Kidder Esq, and that said Kidders, said Lands, be assessed & Taxed the Sum of Fifteen pounds Lawful Money and that said two pence  $\text{p}$  Acre & said Fifteen Pounds be Taxed in one assessment, and that each and every Non Resident Proprietor, or Owner, be allowed two Years next after said Assessment to work out their Taxes at and after the rate of three Shillings  $\text{s}$  day for an able Labourer—

Therefore Be it enacted by the Senate & House of Representatives in General Court Convened, that the Select Men of said Washington be impowerd, and they hereby are impowerd to Assess a Tax of two pence  $\text{p}$  Acre on all the Lands in said Town, Except the Lands owned by Reubin Kidder Esq. whose Lands, they shall and may Tax Fifteen pounds Lawful Money, and commit the same Assessment to Thomas Penniman Esquire who is hereby impowerd to collect the same, and lay out the proceeds thereof, in making and repairing the public high ways in said Washington, and the said Collector shall give notice to all the Non resident Owners, of the said Assessments being committed to him to Collect, by publishing the same in the New Hampshire Gazette three weeks Successively,—And the said Assessment shall be made on all said Lands in the way pointed out by Law for Assessing State Taxes upon the Lands of Non Residents, And the owners of such Lands shall have two Years to work out or pay said Taxes, one half in each year, and three months from such publication each year shall be allowed said

Non Residents, to work out said Tax on said Roads, under the direction of said Collector, at the rate of three shillings  $\bar{7}$  day for an able Labouring Man finding himself Customary tools and in case the owners of such Lands shall not work out their said Taxes within the term aforesaid, nor within one month from and after the expiration of said three months, pay the said Collector his tax, the said Collector Shall sell at public Vendue (according to Law for the sale of Lands at public Vendue for the payment of Taxes) so much of said Lands respectively, as will pay the Taxes due thereon & reasonable, incidental charges, and said Collector before he proceeds to sell said Lands, shall advertize the same as by Law Nonresidents, Lands are to be advertized for sale for the payment of State Taxes, Saving what relates to the Advertizing by the States Receiver of nonresident taxes, and said Collector may Execute a good and Valid deed to the purchaser, and the same equity of Redemption shall be allowed, and in the same manner as is prescribed by Law in cases of nonresidents Lands being sold for the payment of State Taxes—

And be it further enacted that the said Thomas Penniman Esq Collector as aforesaid, shall give the Inhabitants of said Town notice, as is usually by Collectors of State Taxes, that the terms aforesaid are allowed them to work out or pay their said Taxes, and if said Inhabitants, refuse or neglect to work out or pay their said Taxes within the terms aforesaid then, in that case said Collector shall & may Levy and collect the same by dstraint or otherwise, as fully to all intents & purposes as Town Constables are by Law authorized to collect public Taxes—

And be it further enacted, that the said Collector before he undertakes the collection of any of the Taxes aforesaid, shall give bond with Sufficient sureties to the County Treasurer for the County of Cheshire in double the sum said assessment may amount to, to Account upon oath, to the Quarter Sessions for said County, within Three years from the time said Assessment is made for all monies & Labour by him received on Account of the Assessment aforesaid, and that the same shall have been expended faithfully for the public Good

#### [CHAPTER 27.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER WATCHMEN TO APPREHEND AND COMMIT  
DISORDERLY PERSONS AS IS HEREIN AFTER DECLARED.

[Passed December 23, 1791. Original Acts, vol. 13, p. 53; recorded Acts, vol. 6, p. 477. Laws, 1792 ed., p. 178.]

Whereas it is judged very expedient that a walking night watch should be kept in such towns in this State as shall think

proper to support the same, to prevent house breaking, stealing, and other disorders, as well as to make seasonable discovery of fires; but as the persons employed in that service may not have authority exofficio, to restrain any one they have reason to suspect or find engaged in any such crimes, they may be exposed to insults and suits: Wherefore for their security, and to enable them the better to effect that part of their duty.

Be it Enacted by the Senate and House of Representatives in General Court assembled that the Select-men in any town which have or shall at any legal meeting determine to maintain such a night watch are hereby authorized to agree with so many suitable persons as the town have, or shall order as aforesaid, for performing a walking night watch in such town, and appoint their limits and station, and all things requisite for said service, and to give them such instructions as they shall judge proper for the best execution of the office of such watchmen, as also to pay them according to such agreement. And such watchmen shall have by virtue hereof, full power to restrain any person or persons they shall find committing any kind of disorder or disturbance, or any crime, or such as are strolling about the streets or highways at unseasonable hours, who refuse to give any or may justly be suspected to give a false account of their business or design, or who can give no account of the occasion of their being out.

And for this purpose, such watchmen are hereby authorized to command assistance as occasion shall require, and to commit the offenders to the common goal, where that may be done, or put them under keepers, till they can be carried before one or more Justice or Justices of the peace for said County, which such watchmen are hereby authorized and directed to do as soon as may be the next day, in order to the examination of such offenders, and their being dealt with according to law.

And the said watchmen are hereby authorized, to execute and discharge the duty and instructions, which they shall receive from time to time from the Select men, with whom they shall agree as aforesaid, and are accordingly directed so to do; and shall be under oath, to be administered by any Justice of the peace for said County, to the faithful discharge of their trust, agreeable to their contract with the Select men.

And every person duly required and commanded to assist the said watchmen, or any of them, to apprehend or keep any of the offenders aforesaid, or to commit them, pursuant to this act, who shall neglect or refuse so to do, shall be liable to the same penalty by law inflicted for neglecting or refusing to assist the Sheriff in cases where they are by law required.

## [CHAPTER 28.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE BENJAMIN BROWN JR TO REVIEW AN ACTION  
IN THE INFERIOR COURT IN THE COUNTY OF HILLSBOROUGH—

[Passed December 24, 1791. Original Acts, vol. 13, p. 54; recorded Acts, vol. 6, p. 478.]

Whereas Benjamin Brown Jr of Kensington in the County of Rockingham husbandman, has petitioned the General Court, representing, That at the Inferior Court of Common pleas for the County of Hillsborough holden at Amherst on the second Tuesday of June last, an Action was commenced in the name of Amos Page of Rutland in the County of Rutland in the State of Vermont against him upon a Certain Note of hand purporting to be a Note given by him the said Brown to one Jesse Prescott promising to pay him or his order the sum of Thirty pounds lawful money on demand, and dated the Tenth day of April Anno Domini 1787 and purporting to be endorsed by the said Prescott to the said Page—That in fact he owed nothing upon said Note as he cou'd have made appear on trial if he had known of the suit—That Judgment was rendered at said Court against him by default for the sum of Thirty six pounds, five shillings damages, and Costs taxed at one pound, sixteen shillings and five pence.—That he never had any knowledge of the suit against him untill Execution issued and he was compelled to pay said sums—Wherefore, conceiving himself Injured in this behalf, and being without remedy at Common law—he prayed relief in the premises, that he might be empowered to review said Action, and plead to the same in the same manner, as if said Action was now in Court—and he had not been defaulted—The facts set forth in said petition having been fully substantiated and the prayer thereof appearing reasonable—

Therefore—Be it enacted by the Senate and House of Representatives in General Court convened—That the said Benjamin Brown Jr be, and he hereby is enabled to review the said Action at the Inferior Court of Common pleas, next, to be holden at Amherst, in said County of Hillsborough, on the first Tuesday of March next, And the Justices of said Court are hereby authorized and empowered to sustain said action of Review, and give said Brown liberty to plead thereto in as full and ample manner as he might have done at the first entry of the original Action, and the said Brown shall bring forward attested Copies of all papers in said Cause—and shall serve Jesse Prescott of Deerfield and Philip Tilton Esq<sup>r</sup> of Kingston with a Copy of this Act one month prior to the time of holding said Inferior Court, which shall be deemed sufficient notice and service for the said Page in defending said Action of review—

## [CHAPTER 29.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER BENJAMIN ABBOT TO REVIEW AN ACTION  
HERETOFORE BROUGHT BY HIM AGAINST SAMUEL HOBART  
ESQ<sup>R</sup> OF EXETER.

[Passed December 24, 1791. Original Acts, vol. 13, p. 55; recorded Acts, vol. 6, p. 480. See additional act of June 13, 1792.]

Whereas Benjamin Abbot hath petitioned this Court, setting forth that a Trial was had on the first Tuesday of October 1787, in an Action commenced by him against said Hobart, that he was at that time unprepared to controvert an offset plead by said Hobart, & the cause in consequence went against him, that his extreme poverty prevented his reviewing said Action within the time prescribed by Law, & praying to have liberty for a new Trial, the prayer of which petition after a full hearing appearing reasonable

Be it therefore enacted by the Senate and House of Representatives in General Court convened that the said Abbot be, & he hereby is Impowered to Review said Action at the next Superiour Court of Judicature to be holden at Amherst within & for the County of Hillsborough, & have as full & as ample an hearing, thereon as tho the same Review had been brought forward within the time prescribed by Law any Law usage or custom to the contrary Notwithstanding—

And be it further Enacted, that the said Abbot shall cause a copy of this Act to be served upon the said Hobart fourteen Days prior to the said Superiour Courts next setting at said Amherst, & that the said Abbot shall procure such an indorser to the Writ of Review as the said Court shall adjudge sufficient to pay costs in case the said Hobart Recovers costs on said Action

## [CHAPTER 30.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE JAMES THURSTON SENIOR OF EXETER  
AND ELIZABETH HIS WIFE TO CONVEY CERTAIN LAND—

[Passed December 26, 1791. Original Acts, vol. 13, p. 56; recorded Acts, vol. 6, p. 481.]

Whereas James Nichols of Meredith in the County of Strafford Gentleman, James Thurston of Exeter in the County of Rockingham Gentleman, and Elizabeth his wife, as she is Administratrix of the Estate of Thomas Peabody late of Brintwood in the County aforesaid Physician deceased, & James Thurston

Junior of Exeter aforesaid and Elizabeth his wife, as She is the only child & sole heir to the said Thomas Peabody deceased, have petitioned the General Court representing that the said Nichols on the Twenty seventh day of July A D 1773 being indebted to one Benjamin Balch of Newbury Port in the Commonwealth of Massachusetts in the sum of Twenty two pounds Nineteen shillings & two pence Lawful money, that the said Peabody signed a Note of hand with the said Nichols of that date promising the said Balch to pay him said sum with Interest, that to secure the said Peabody from any damages that he might sustain by reason of his having signed the said Note, the said Nichols by deed of Warranty Dated the Twentieth day of August A D 1773 conveyed to the said Peabody a certain piece of land situated in Brintwood aforesaid containing twenty Acres more or less & the buildings thereon, bounded as in said deed is described, that the said Nichols has since discharged & taken up said Note, & therefore that the said land ought to revert to him; but the said Peabody being dead, and leaving no heir but the said Elizabeth, wife of the said James Thurston Junior, who is a minor, & that there is no person qualified by Law to convey the said land back to the said Nichols; Therefore they prayed That the said James Thurston Senior and Elizabeth his wife, Administratrix as aforesaid, might be authorized & empowered to convey the said Land & the buildings thereon back to the said Nichols, so that the fee thereof might be again vested in the said Nichols his heirs & assigns—

The facts of which petition being substantiated & the prayer thereof appearing reasonable—Therefore, Be it Enacted by the Senate & House of Representatives in General Court convened, that the said James Thurston Senior & Elizabeth his wife, as she is Administratrix as aforesaid, Be & hereby are authorized and empowered to make, seal & execute a legal & valid conveyance of all the right, title, interest, property, claim & demand which the said Thomas Peabody died seized & possessed of, in, & unto the said Twenty Acres of land, more or less, with the building thereon to the said James Nichols his heirs & assigns forever, as an estate of inheritance as fully & amply as if the deed above mentioned by him to the said Peabody given had never been made & executed—

## [CHAPTER 31.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME OF  
THE UNITED FIRE SOCIETY NUMBER ONE

[Passed December 26, 1791. Original Acts, vol. 13, p. 57; recorded Acts, vol. 6, p. 482.]

Whereas George Gains Richard Champney and Jeremiah Libbey esquires have petitioned the General Court representing, that they, with certain other persons in the Town of Portsmouth, by the Name of the United Fire Society number one, have formed a Society in the Town of Portsmouth in the State of New Hampshire for the purpose of Friendship, and to Assist each other, in case of a Calamity by Fire, and that they have a Fund for the purpose aforesaid, but find the Benevolent design of the Institution cannot be promoted and perpetuated unless they are erected into a Body politic, Wherefore, they prayed that said Society might be Incorporated by that Name the design of which Institution appearing benevolent, and the end Beneficent—Therefore Be it Enacted, by the Senate, and House of Representatives, in General Court convened, that George Gains, Richard Champney, and Jeremiah Libbey, all of Portsmouth aforesaid esquires, and others now members of said Society, together with such others as may be elected members thereof, Be and hereby are Incorporated by the Name of the United Fire Society Number One—to continue as a body corporate and politic with power of perpetual succession—And the said Society is hereby capacitated and enabled, for the purposes aforesaid, to take receive and hold, any Real or Personal estate, by grant, devise, bequest, gift, purchase, or any other legal mode of Conveyance, provided the Annual income, and Interest, of such estate, so acquired and holden shall never exceed the sum of Three Hundred pounds—and the said Society shall also have power, to exchange, alien, and convey, all or any part thereof as occasion may require—And the said Society by the Name and Style aforesaid, is hereby authorized, to commence, prosecute, or defend any Actions, or Suits, for or against them in like manner as other bodys corporate may do by the Laws of this State—

And Be it further enacted that a Meeting of said Society, shall be holden Annually at said Portsmouth on the first monday of February and the said Society may call, and hold quarterly, or occasional meetings, at such time and place in the Town of Portsmouth aforesaid, as they from time to time may direct, at any of which meetings, they may by a majority of members present, choose any Officers the Society may think proper for



the regulation of their meetings or the management of their affairs, and the said Society is hereby impowered at, any such meeting, by vote as aforesaid to regulate, and determine their proceedings, respecting the appropriation of their funds, or direction of their affairs, and shall and may, make and establish, any rules, orders, and regulations, for the management of their affairs or Interest not repugnant to the Laws of this State—

And Be it Further Enacted that said society may admit members in such way and manner, as they may agree, and determine upon and the Records, and proceedings of said Society posterior to this Incorporation, and authenticated Copies thereof, shall be received in evidence in the same manner, as the records, and authenticated Copies of other corporations within this State.—And Be it further Enacted, that Jeremiah Libbey esquire is hereby authorized, and appointed to call the first meeting of said Society by virtue of this Act, by sending each member a summons in writing informing them of the time and place where said Meeting is to be held—

[CHAPTER 32.]

*State of  
New Hampshire.* }

AN ACT TO INCORPORATE A CERTAIN TRACT OF LAND INTO A TOWNSHIP BY THE NAME OF GOSHEN—

[Passed December 27, 1791. Original Acts, vol. 13, p. 58; recorded Acts, vol. 6, p. 484. One clause of this act is repealed by the act of December 8, 1796. See additional act of June 22, 1797.]

Whereas Amos Hall and others Inhabitants of the Towns of Fishersfield, Wendall, Newport, Unity & Lemster in this State have petitioned the General Court representing that they are so remote from the centers of the respective Towns in which they now live—That they cannot with conveniency meet with the Inhabitants of said Towns and are consequently deprived of many advantages which they might enjoy if they were incorporated into a town—That they had obtained the consent of all the towns excepting Lemster in which they now live—Wherefore they prayed that they might be incorporated into a Town—Which after a full hearing appeared to be reasonable—Therefore—

Be it Enacted by the Senate and House of Representatives in General Court convened that a Township be and hereby is erected and incorporated by the name of Goshen—butted bounded and described as follows to wit, Beginning at a stake and stones, which is the North East corner bound of lot N<sup>o</sup> Nine in the first range of lot in Wendall and North of Coreys road so called and upon the line of Fishersfield—Thence West about seventeen degrees South on the North end of the lots to Newport line—Thence Southwardly on Newport line to the first lot in the fifth division of lots in said Newport, Thence Westwardly about Two hundred and Twenty eight rods to the North West corner of said lot—Thence Southwardly on the range of lots about One mile to the North Easterly corner of the thirteenth lot in the third division—Thence West twenty seven degrees North one hundred rods—Thence Southwardly about one hundred and Sixty rods to the South Westerly corner of said lot numbered thirteen on Newport South line—Thence Easterly on the Southwardly line of Newport about Sixty eight rods to a stake and stones—Thence South about one mile and a hundred and Ninety rods to the line of Lemster—Thence South two miles in Lemster—Thence East eight degrees South four miles—Thence Northwardly to the bound first mentioned—

And the Inhabitants of said tract of land are hereby erected into a body politic and corporate to have continuance and succession forever. And are invested with all the powers and enfranchised with all the rights, privileges benefits and immunities which any towns in this State by law hold or enjoy—To have and To hold to said Inhabitants and their Successors forever—

And Thomas Pennyman Esquire is hereby appointed authorized and empowered to call the first meeting of said Inhabitants for the purpose of choosing all necessary and customary Town Officers, giving at least fourteen days notice of the time and place of holding said meeting in said town of Goshen and the articles to be acted upon who shall attend and preside in said meeting until a Moderator shall be chosen: And the Officers then & there chosen shall be invested with all the power and authority that like Officers of any other Towns in this State are by Law invested with—

And the meetings of the Inhabitants of said Town for the choice of Town Officers shall be holden on the second Thursday of March annually forever—

And Be it further Enacted that the Inhabitants of said Town of Goshen who live in that part of said Town which is taken from the said Town of Lemster shall be liable to pay their proportionable part of taxes towards the Reverend M<sup>r</sup> Fisher's salary annually, so long as he shall continue to be the Minister of said Lemster, and the Selectmen of said Lemster are hereby authorized to tax them accordingly. And the Constables or

Collectors for said Lemster shall have the same power to collect said taxes from said Inhabitants as tho' this Act had not been passed

And Be it further Enacted that any person living in that part of said Goshen which is taken from said Lemster shall have liberty of polling his person and estate to said Lemster: And any person Inhabitant of said Lemster owning land in that part of said Goshen which is taken from said Lemster shall have liberty of polling the same to said Lemster Provided said polling be recorded in the Records of each of said Towns within One Year from the passing of this Act. And the persons so polling, their families, heirs and Assigns, and the estates so polled shall be disannexed from said Goshen and annexed to said Lemster forever to all intents and purposes as fully as though this Act had not been made; and that Samuel Gunnison, William Gunnison and Jesse Chandler have liberty of polling their persons and estate to said Fishersfield within the time and manner as above directed—

And Be it further Enacted that the Inhabitants of said Goshen their polls and estates shall be taxed and liable to pay their respective proportions of all State and County taxes in the respective Towns in which they lived in the same manner as tho' this Act had not been passed until a new proportion throughout the State shall be made, and shall also pay their proportion of all arrearages of taxes now charged against them—

And Be it further Enacted that the said Town of Goshen, shall be a part of & within our County of Cheshire—

### [CHAPTER 33.]

*State of  
New Hampshire.* }

#### AN ACT TO LIMIT THE TIME OF PROSECUTING DEMANDS AGAINST THE ESTATE OF THOMAS SIMPSON LATE OF PORTSMOUTH ESQUIRE DECEASED—

[Passed December 27, 1791. Original Acts, vol. 13, p. 59; recorded Acts, vol. 6, p. 489.]

Whereas Thomas Simpson of Portsmouth in the County of Rockingham and State of New Hampshire Merchat son of the deceased, hath petitioned the General Court, representing, that his said father devised his real and personal Estate to his wife Martha with power to dispose of any part thereof for her support—That the Honb<sup>le</sup> James Sullivan Esquire who since intermarried with the said Martha had Joined with her in releasing all their right to the estate aforesaid to the said Thomas the son and his two sisters Ann Frost and Rachel upon the express condition that the said Thomas, Ann Frost and Rachel shou'd

indemnify the said James and Martha from the payment of any demands against the same Estate—That as there is no time limited, for the Creditors, if any, to prosecute their demands, the heirs to whom it is so released, cannot tell when the Estate will be absolutely theirs—Wherefore he prayed for himself and Sisters that a time might be limited beyond which no demand against said estate shou'd be supported, The facts alledged being proved, and the prayer of the petition appearing reasonable and agreeable to the intention of standing laws of this State—Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, That all debts and demands against the Estate of said Deceased not prosecuted within one year from and after the passing this Act, be forever barred—And this Act may be offered in evidence without being specially pleaded to any Actions which may be brought for any such Demands after the term of one year, as aforesaid—Provided that an attested Copy of this Act shall be published three weeks successively in some one of the Newspapers printed in Portsmouth aforesaid, and the News-paper printed in Exeter, within one month from the Enacting thereof—

## [CHAPTER 34.]

*State of  
New Hampshire.* }

AN ACT TO GIVE THE FORCE AND VALIDITY OF AN ORIGINAL DEED TO THE COPY OF A DEED FROM THE INHABITANTS OF THE TOWN OF HAMPSTEAD TO THE PROPRIETORS OF THE TOWN OF KINGSTOWN, WHICH IS NOW RECORDED IN THE PROPRIETARY BOOKS OF UNITY—

[Passed December 27, 1791. Original Acts, vol. 13, p. 60; recorded Acts, vol. 6, p. 487.]

Whereas the Proprietors of the Town of Unity in the County of Cheshire have in a petition to this court set forth That in the year of our Lord one thousand seven hundred and sixty four. the Inhabitants of Hampstead conveyed by deed the s<sup>d</sup> town of Unity to the proprietors of Kingstown—that said deed was duly recorded in the proprietary books of unity but has since been lost. and have prayed this court to give the same validity to an authenticated copy from said proprietary books as the original in Law could have—which appearing reasonable—

Be it enacted by the Senate and House of representatives in general court convened—That an authenticated copy of said deed which in the year aforesaid was executed and given by the said Inhabitants of Hampstead to the proprietors of Kingstown of the aforesaid town of Unity, taken from the said books of the proprietors of Unity wherein said original deed is said to have

been recorded, and recorded in the office of the register of Deeds in and for said county of Cheshire in the manner that original deeds are therein recorded—shall have the full force validity and operation that said original deed had or might have—and shall be as valid and effectual in Law to every intent and purpose as said original deed would be had it never been lost—any law usage or custom to the contrary notwithstanding—

## [CHAPTER 35.]

*State of  
New Hampshire.* }

AN ACT TO VEST THE EXCLUSIVE PRIVILEGE OF KEEPING A  
FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER IN  
EBENEZER BREWSTER HIS HEIRS AND ASSIGNS—

[Passed December 28, 1791. Original Acts, vol. 13, p. 61; recorded Acts, vol. 6, p. 490.]

Whereas Ebenezer Brewster of Lime in the County of Grafton hath petitioned the General Court representing that a ferry over Connecticut river near and adjoining to said Brewster's farm in said Lime will be very beneficial for public travelling from the State of Vermont through this State; and praying that the General Court would grant to him the exclusive Right of a ferry over said River from the bounds of the ferry heretofore granted to Ebenezer Green and from thence to extend Southerly to Hanover line, which representation appearing Just, and the prayer of his petition reasonable:

Therefore—Be it enacted by the Senate and House of Representatives in General Court convened, that the sole and exclusive Right & privilege of keeping a ferry over Connecticut River in any place from the line on the Southerly side of the Ferry granted to Ebenezer Green in said Lime, to the boundary line between Hanover and Lime be and it hereby is granted to and vested in the said Ebenezer Brewster his heirs and assigns, he or they from time to time as the Case shall happen giving Bond with sufficient surety in the sum of One Hundred pounds to the Clerk of the Court of the General Sessions of the peace for the County of Grafton, that the said Ferry shall be continually kept and constantly attended—

And be it further enacted, That if any person or persons shall for hire or reward transport over said River within the Limits aforesaid any person, creature or thing, such person or persons so offending shall forfeit and pay to the said Ebenezer Brewster his heirs or assigns the sum of forty shillings to be recovered by action of debt before any Court, within said County, proper to try the same—

## [CHAPTER 36.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED, "AN ACT TO ESTABLISH AN EQUITABLE METHOD OF MAKING RATES AND TAXES" "AND DETERMINING WHO SHALL BE LEGAL VOTERS IN TOWN" "AND PARISH AFFAIRS—AND FOR REPEALING CERTAIN ACTS" "HEREINAFTER MENTIONED"—

[Passed December 28, 1791. Original Acts, vol. 13, p. 62; recorded Acts, vol. 6, p. 497. Laws, 1792 ed., p. 188. The act referred to is dated February 7, 1789. See acts of February 22, 1794 and June 17, 1796.]

Whereas in and by said Act, it is enacted, amongst other things, relating to taxing unimproved lands and buildings belonging to non-residents in the words following (viz) "And in case the owners of such lands are unknown, then the same lands shall be assessed in the name of the original proprietor or owner thereof—And no provision is made for assessing such lands when neither the owner nor original proprietor are known—And whereas it is sometimes the case that considerable quantities of land in certain towns and places are divided into lots, and such lots are not appropriated to any proprietor or owner's right or share or if appropriated, the records thereof cannot be obtained—And the Selectmen or assessors of such towns or places, know not either the owners of such lots or to what proprietor's Rights they are appropriated which in many instances hath prevented the assessing and collecting taxes seasonably, to the great damage of such towns and places as well as to the public—For the remedy whereof—

Be it enacted by the Senate and House of Representatives in General Court convend that when there are any Lot or lots of land laid out in any town, incorporated or unincorporated place in this State, and such Lots are unimproved, and the Selectmen or Assessors of such Town or place, know not the owner or owners of such lots nor to what proprietor's rights they are appropriated, in such case it shall and may be lawful for such selectmen or assessors to assess such lot or lots by their number and Range—And in any case where such Towns or places have not been lotted, or only in part, the Selectmen or assessors shall assess said Land by such description as said Land is commonly known by, and that the same be taxed by the Acre—And said Selectmen or assessors shall in their warrants for collecting such Taxes set forth and express the date of the grant or charter under which the division was made, agreeably whereto such assessment was levied—And the Collectors shall also make the same known in their Advertisements—

And whereas on the Account of the difficulties mentioned in the preamble of this Act the taxes have not been assessed or

collected for diverse years past in many towns and places in this State but are yet outstanding—And it being doubtful whether Selectmen or assessors for the time being have a right to assess taxes for years preceeding their election, and order the Collectors to collect the same—

Therefore Be it enacted by the authority aforesaid, That the Selectmen and Assessors of the several Towns and incorporated places in this State for the time now being, or who may hereafter be appointed and qualified as the law direct be & they hereby are authorised and empowered to assess all outstanding taxes against such Towns and places, for such time being, which may not before such time have been assessed as the law directs, in one list distinguishing each year's tax by itself, and to commit the same to the Collector for the time then being of such Town or place, with warrants in due form of Law for Collecting and paying over the same as they ought to be—And such Collectors are hereby authorized and directed to receive such assessments and warrants, and collect and pay over and account for the sums therein contained agreeably to their respective warrants—And Selectmen Assessors and collectors, in assessing and collecting taxes in the particular cases mentioned in this Act shall proceed in all things agreeably to the former laws of this State now in force excepting only so far as they are altered and amended in the particular matters herein contained and provided for—

And be it further enacted, That no collector shall execute a deed of any land by him sold pursuant to this Act, within the term of one year next after such sale; And in case any Collector shall die before the expiration of said term, his Executor or Administrator shall have power and it shall be his duty to execute a Deed or deeds of any land so sold by his testator or intestate, to the purchaser, if the taxes for which it was sold, together with the charges and interest shall not be paid or tendered, to such Collector, his Executor or administrator, before the expiration of said Term.—

And be it further enacted—That any person or persons whomsoever shall have power to prevent the sale of any land or parcel of Land, taxed pursuant to this Act, by paying the Taxes assessed thereon, with the charges that may have accrued to such Collector, or tendering the same at any time before such sale—

And be it further enacted—That if any person or persons whomsoever, shall pay or make a tender of payment, of the Taxes assessed upon any land or parcel of Land that may be sold for taxes pursuant to this Act, together with the charges that may have accrued, and the Interest of said taxes and charges, to the Collector, who sold such land, or to his Executor or Administrator at any time within the term of one year next after such sale; then, such Collector his Executor or Administra-

tor shall not Execute any deed or other conveyance of any such land sold, pursuant to this Act to any person or persons whomsoever—

[CHAPTER 37.]

*State of  
New Hampshire.* }

AN ACT TO LAY A TAX OF TWO PENCE P<sup>r</sup> ACRE ON ALL THE LANDS IN ORFORD FOR THE PURPOSE OF MAKING AND REPAIRING HIGHWAYS—

[Passed December 28, 1791. Original Acts, vol. 13, p. 63; recorded Acts, vol. 6, p. 492.]

Whereas a petition hath been preferred to the General Court in behalf of the Inhabitants of Orford praying for a Tax of Two pence P<sup>r</sup> Acre on the Lands of Non-residents in said Town for the purpose of making and repairing public Highways therein, And Whereas after due notice being given agreeably to the order of Court—The non-residents do not oppose the said Petition if the Tax is extended to all the Lands in the said Orford—And it appearing reasonable that the Tax shou'd be extended as aforesaid—

Therefore Be it enacted by the Senate and House of Representatives in General Court convened—That the Selectmen of said Orford be empowered and they hereby are empowered to assess a tax of Two pence P<sup>r</sup> Acre on all the Lands within said Town and commit the same assessment to Captain John Man, Mr Daniel Tillotson Junior, and Mr Alexander Strong, all of said Orford, who are to collect the same, and lay out the proceeds, or so much thereof, as shall be necessary, on a Road leading from the River road so called Eastward to the Line of Wentworth, and the overplus if any on the other Roads in said Town—in such place as will best accomodate the public Travelling, And the said Collectors shall give notice of the said assessment, being committed to them to collect, by publishing the same in the New Hampshire Gazette three weeks successively—And the said Assessment shall be made on said Lands in the way pointed out by Law for assessing State Taxes upon the Lands of Nonresidents, and the owner of such lands shall have one year to work out or pay said Taxes and three months from such publication shall be allowed to work out said Tax on said roads and on the direction of said Collectors, at the rate of three shillings P<sup>r</sup> Day for an able labouring man, and in case the owners of such Lands shall not work out their said Taxes within the term aforesaid, nor within one month from and after the expiration of said three months, pay to said Collectors or either of them, his tax, the said Collectors shall sell at public Vendue



(according to law for the sale of Lands at public vendue for the payment of Taxes) so much of said lands respectively as will pay the taxes due thereon and reasonable incidental charges— And said Collectors before they proceed to sell said lands shall advertize the same as by Law the lands of non-residents are to be advertised for sale for the payment of State Taxes, saving what relates to the advertising by the State's Receiver of non-resident Taxes; and said Collectors may execute a good and valid deed, to the purchaser, and the same equity of Redemption shall be allowed, and in the same manner as is prescribed by law in cases of Non-residents' Lands being sold for the payment of State taxes—

And be it further enacted, That the said Collectors before they undertake the Collection of any of the Taxes aforesaid shall give Bond with sufficient Sureties to the County Treasurer for the County of Grafton in double the sum said Assessment may amount to; to Account upon oath within two years from the time said assessment is made with the Court of General Sessions for said County for all monies and Labor by them received on account of the aforesaid assessment, and that the same shall have been expended faithfully for the public good—

#### [CHAPTER 38.]

*State of  
New Hampshire.* }

AN ACT EMPOWERING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS, OR LENGTHEN OUT THE TIME FOR THE COMMISSIONERS TO RECEIVE THE CLAIMS UPON THE ESTATE OF HIS EXCELLENCY JOHN WENTWORTH—

[Passed December 28, 1791. Original Acts, vol. 13, p. 64; recorded Acts, vol. 6, p. 503.]

Be it enacted by the Senate and House of Representatives in general court convened that the Judge of Probate for the County of Rockingham be and hereby is empowered and directed to appoint Commissioners to receive and examin such further claims against the estate of his Excellency John Wentworth Esq<sup>r</sup> as have not already been examined and allowed, and that the same be certified as in other cases:—or lengthen out the time for the Commissioners (who have already been appointed) to receive and examin such claims and certify them as aforesaid; as to the said Judge of Probate may appear for the public good—Which claims when so certified as aforesaid shall be allowed as other claims have been allowed against said estate

## [CHAPTER 39.]

*State of  
New Hampshire.* }

AN ACT FOR REPEALING A CLAUSE IN AN ACT FOR REGULATING THE EXPORTATION OF BEEF AND PORK PASSED THE SIXTEENTH DAY OF JUNE LAST—

[Passed December 28, 1791. Original Acts, vol. 13, p. 65; recorded Acts, vol. 6, p. 502. Laws, 1792 ed., p. 336. See acts of June 16, 1791 and June 18, 1802. Repealed June 18, 1805.]

Whereas the Act above mentioned requires that all barrels made use of for Salting Beef & Pork, shall be clear of Sap, which is found to be unnecessary.—

Be it therefore Enacted by the Senate & House of Representatives in General Court Convened—That, that clause in the Act aforesaid, requiring the cask's made use of for Salting Beef and Pork, to be clear of Sap, Be, and it hereby is repealed.—

## [CHAPTER 40.]

*State of  
New Hampshire.* }

AN ACT FOR THE INSPECTION OF POT AND PEARL ASHES—

[Passed December 28, 1791. Original Acts, vol. 13, p. 66; recorded Acts, vol. 6, p. 493. Laws, 1792 ed., p. 330. Altered and amended by the act of June 19, 1793.]

Be it enacted by the Senate and House of Representatives of the State of New Hampshire in General Court convened that no person or persons whatsoever shall Ship any pot or pearl ashes for exportation before he shall first have submitted the same to the view and examination of the Inspector or his Deputy who shall be appointed as herein aftermentioned who shall start the same out of the casks, and carefully examine try and inspect the same and sort the same in three different sorts if necessary; and the said Inspector shall put each sort by itself in tight new casks well hooped and coopered which he shall distinguish by the words first sort—second sort—or third sort with the words pot, or pearl ashes (as the same may be) branded in plain legible letters together with the letters of his name and the place where such pot or pearl ashes shall be inspected: as also the word New Hampshire at full length on each cask—for which services and also the additional service for repacking the said pot or pearl ashes and putting the casks in good condition for shipping and for inspecting and weighing the same and delivering to the owner an invoice or weight note under his hand of the weight of each cask, he shall have and receive four pence half penny for every hundred weight so inspected to be paid by the purchaser—

And be it further enacted that from and after the first day of May next every cask in which pot or pearl ashes shall be packed for exportation shall be made of sound and well seasoned oak or white ash staves and heading full bound, twenty nine inches in length, nineteen inches in diameter in the head and of such weight in proportion to its contents as will amount as near as may be to fourteen per centum tax thereon—

And be it further enacted, that the said Inspector or his Deputy at the time of starting pot or pearl ashes for inspection Shall weigh the Cask or Casks and mark the weight with a marking iron on each head thereof—

And be it further enacted that every such Inspector shall have full power and authority by virtue of this Act and without further or other warrant to enter on board any Ship or vessel whatsoever lying and being in the harbour where such Inspector is authorized to inspect pot or pearl ashes shipped or shipping on board any such vessel for exportation from this State and if such Inspector shall on search discover any cask or casks of pot or pearl ashes not branded as before directed the person or persons so shipping or having shipped the same shall forfeit all and every such cask or casks of pot and pearl ashes so shipped or shipping, and not branded in the manner herein before directed—And such Inspector or his Deputy shall and may seize and carry away and secure the same for trial and require necessary aid for that purpose which it shall be the duty of every person so required to give on pain of forfeiting the sum of forty shillings for his refusal or neglect And the Master or Commander of any such vessel who shall receive on board any such Cask or Casks of pot or pearl ashes not branded as aforesaid Shall forfeit the sum of five pounds for each cask so received—And if any Master of any ship or vessel or any of his servants or seamen shall obstruct or hinder the said Inspector in making search as aforesaid every person so offending shall forfeit for each offence the sum of one hundred pounds

And be it further enacted, that if any Inspector of pot or pearl ashes (according to the duties of this act) shall on application made for the examination of any pot or pearl ashes aforesaid unreasonably refuse neglect or delay to proceed to such examination and inspection for the space of three hours after such application so made to him the Inspector so refusing neglecting or delaying to make such examination or inspection shall for such offence forfeit the sum of twenty shillings to any person who shall sue for the same—

And be it further enacted that if any person shall brand any cask of pot or pearl ashes manufactured by himself with the name of any other person than his own or shall brand any such cask manufactured by another person with his own name or shall counterfeit any brand belonging to or proper to be used by the said Inspector or any of his Deputies or shall impress or brand any cask of pot or pearl ashes with any brand or brands of such Inspectors or with any counterfeited as aforesaid he shall forfeit and pay for each offence the sum of fifty pounds

And be it further enacted, that if any person shall empty any cask or casks of pot or pearl ashes inspected and branded as by this act is required and put in any other pot or pearl ashes for sale or exportation without first cutting out the said brand marks the person or persons so offending shall for each cask forfeit and pay the sum of fifty pounds—

And be it further enacted that every manufacturer of pot and pearl ashes within this State shall brand each cask containing the same with the initial letter of his Christian name and his Surname at full length with the name of the town where the same shall be manufactured before the same shall be removed from the manufactory under the penalty of five shillings for each cask so removed without being previously branded as aforesaid—

And be it further enacted that there shall be an Inspector of pot and pearl ashes for this State who shall be well skilled in the knowledge and properties of the same to be appointed by the President by and with the advice and consent of the Council and to be by them removeable at pleasure and who before he shall enter upon the duties of his office shall give bond with sufficient sureties to the Treasurer of this State in the penal sum of one thousand pounds for the faithful discharge of his duty and shall also be sworn faithfully to perform the same—And such Inspector shall have power when so qualified to appoint and shall appoint so many Deputy Inspectors as are needful as he shall judge necessary for whom he shall be answerable and shall take bonds from them with sufficient surety or sureties and they shall also be sworn to the faithful discharge of their duty—And the said Inspector shall not be intitled to receive from any deputy he may appoint more than one penny for each hundred weight of pot or pearl ashes such deputy may inspect agreeably to this act—

And be it further enacted that all fines and forfeitures mentioned in this act under the sum of twenty pounds shall be sued for and recovered by any person to his own use but if the sum shall amount to twenty pounds and upwards then one half to the use of the person suing—the other to the use of this State—the actions to be commenced in any court proper to try the same and all Casks of pot and pearl ashes seized as aforesaid

may be prosecuted to condemnation by the officer seizing the same by libel in the superior court of Judicature in the County where the same is seized and after condemnation the same shall be sold at public vendue by the Sheriff and after the payment of all charges one half of the remainder shall be paid by him into the treasury of this State and the other half to the officer who Seized such pot or pearl ashes—

And be it further enacted that all former laws respecting the inspection and assay of pot and pearl ashes, so far as they relate to the same be and hereby are repealed—

[CHAPTER 41.]

*State of  
New Hampshire.* }

AN ACT EMPOWERING BENJAMIN LAMSON TO SELL CERTAIN ESTATE—

[Passed December 28, 1791. Original Acts, vol. 13, p. 67; recorded Acts, vol. 6, p. 500.]

Whereas Benjamin Lamson of Exeter in the County of Rockingham hath petitioned the general court Sitting forth that he was appointed Guardian to Martha Currier only child of Isaac Currier late of said Exeter mariner deceased now about three years of age, and that the said Isaac died seized of a house house lot and about nine acres of land lying in said Exeter and that the house is out of repair and for years to come the annual rent will not be equal to the repairs necessary to be made on it—and that the money the estate will sell for will upon interest be more productive than the real estate—and that the widow of said deceased is willing said estate Should be sold and will also sell her right of dower therein, provided she can have one third of the annual interest of the sum said estate shall sell for during her life—And praying that he may be authorized and empowered to make sale of said real estate and to execute with the widow of said deceased a good and valid deed or deeds of the same giving such caution to account with his ward for the proceeds thereof as the general court may order—And Sally Currier the widow of the said deceased joining in said petition and praying that the prayer thereof may be granted—which appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in general court convened, that the said Benjamin Lamson be and hereby is empowered together with the said Sally Currier to sell and dispose of said real estate for the most the Same will sell for and to make and execute a good and valid deed or deeds of the same to the purchaser which deed or deeds being duly executed according to law shall convey said real estate to the purchaser

and vest the fee simple in him fully and absolutely as any fee simple estate can be held and enjoyed—Provided always and it is to be taken and esteemed a condition precedent of this act, that the said Benjamin Lamson shall give caution to the Judge of Probate for the County of Rockingham with such Surety as the Said Judge shall allow and approve to account with his said ward when she shall attain to full age or in case of her death with her right heirs or administrators or executors for the proceeds of the sale of said estate and the interest that may accrue therefor, except one third of the said interest which shall be paid to the said Sally Currier annually during her life—

## [CHAPTER 42.]

*State of  
New Hampshire.* }

AN ACT TO ALTER & DIRECT THE TIME & PLACE OF HOLDING  
OUR SUPERIOR COURT OF JUDICATURE IN OUR COUNTY OF  
GRAFTON

[Passed December 28, 1791. Original Acts, vol. 13, p. 68; recorded Acts, vol. 6, p. 501.]

Whereas our Superior Court of Judicature which by law was to have been holden at Haverhill in & for our County of Grafton on the third tuesday of October last, was by our Justices of our said Court adjourned to the monday next preceeding the fourth tuesday of May next then to be holden at Haverhill aforesaid—

And whereas our Superior Court of Judicature, as by law established, is to be holden at Plymouth, in & for our said County of Grafton, the day next following the day, to which our said Court is to be holden at said Haverhill by adjournment which will be inconvenient—

For the remedy whereof

Be it enacted by the Senate & house of representatives in General Court convened—That our Superior Court of Judicature, as by law established to be holden at Plymouth in & for our said County of Grafton on the fourth tuesday of May next shall be holden at said Plymouth, on the tuesday next following the fourth tuesday of May next: And all appeals recognizances, writs, venires & processes whatsoever that are returnable to and to be sustained by our said superior Court of Judicature, to have been holden at said Plymouth, on the fourth tuesday of May next, shall be returned to & sustained by our said Court at Plymouth aforesaid, on the tuesday next following the fourth tuesday of May next any law usage or custom to the contrary notwithstanding

And be it further enacted that the Clerk of our said Court be & hereby is directed to issue vinires, for grand & petit jurors,

returnable to our said Court at Haverhill aforesaid, on the monday next preceeding the fourth tuesday of May next & at Plymouth on the tuesday next following the fourth tuesday of May next, respectively

## [CHAPTER 43.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AND EXPLANATION OF ACT INTITLED  
“AN ACT TO INCORPORATE THE SOUTH PART OF THE SOCIETY  
LAND & SUNDRY OTHER TRACTS OF LAND” MADE & PASSED  
THE 14<sup>TH</sup> DAY OF JUNE ANNO DOMINI 1791.—

[Passed December 29, 1791. Original Acts, vol. 13, p. 69; recorded Acts, vol. 6, p. 504. See act of June 14, 1791.]

Whereas in & by the Act intitled “An Act to incorporate the South part of the Society land & sundry other tracts of Land” made & passed the 14<sup>th</sup> Day of June Anno Domini 1791.—the bounds of the Township of Greenfield therein incorporated, are not so explicitly defined but that doubts & difficulties have arisen, for the Remedy & explanation whereof—

Be it enacted by the Senate & House of Representatives in General Court convened that the bounds of the Township of Greenfield incorporated by the aforementioned Act shall be and hereby are established as follows (viz<sup>t</sup> Begining at a beach tree at the South-East corner of Lyndeborough north Addition so called from thence runing Northwardly on the East line of said Addition about one mile & ninety five rods to the South line of Francistown, thence West on the South line of Francistown about Eight Hundred and Seventy two rods to the South-west corner of said Francistown thence north on the west line of said Francistown about Seven Hundred & Fifty two rods to a heap of Stones on the crotched mountains (so called) thence Westerly over said crotched mountain about Eight Hundred & Twenty three Rods to a hemlock tree standing on the East bank of Contoocook River thence up said river as the River runs to the North line of Peterborough which on a straight line would be about One Thousand & Eighty rods thence Easterly on the North line of Peterborough about Seven Hundred & sixty Eight rods to the West line of the east range of Lots in said Peterborough thence South on the West line of the East range of Lots in said Peterborough about fourteen hundred & fifty rods to the north west corner of Temple thence eastwardly on the North line of Temple & the South line of Lyndborough slip (so called) till it comes to the West line of Lyndborough thence Northwardly on the West line of Lyndborough till it comes to Lot number Seven thence easterly to the Southwest

corner of Lot number sixty three thence Northwardly on the west lines of lots number sixty three sixty four & Eighty one to the Southwest corner of Lot number Eighty two in Lyndborough thence by the South & East lines of said Lot to the southwest corner of Lot number Ninety Eight thence on the south and East lines of Lot number ninety Eight to the Southwest corner of Lot number One Hundred Two, thence on the South & East lines of Lot one Hundred two & the East line of Lot number One Hundred & fifteen to the Southwest Corner of Lot number One hundred twenty one thence on the South & east lines thereof to the Northeast corner thereof thence on the line between the land belonging to Cap<sup>t</sup> Samuel Hueston and land belonging to Lieu<sup>t</sup> Amos Whittimore to the Northwest corner of the lot belonging to said Hueston thence East on said Hueston's land to the bounds first mentioned.—

## [CHAPTER 44.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO REGULATE THE REPAIR OF THE BRIDGE OVER EXETER RIVER FROM STRATHAM TO NEWMARKET, AND DIRECTING THE MANNER IN WHICH THE SAME SHALL BE REPAIRED IN FUTURE—

[Passed December 30, 1791. Original Acts, vol. 13, p. 70; recorded Acts, vol. 6, p. 505.]

Whereas the Selectmen of Durham, Newmarket & Stratham have petitioned the General Court representing that by an Act of said State passed February the twenty Eighth A D 1786 They were appointed to take care of Stratham Bridge so called & Keep the same in good Order for passing and hoisting, and to prosecute any Person or Persons who might wittingly & willingly destroy or damage the same And that the said Act was deficient in the following particulars Viz<sup>t</sup> First that there was no provision made in said Act to enable them to carry on any suit, or to pay a Bill of cost in case the defendant should recover—Secondly that the Act aforesaid obliges the prosecutor to prove that the damage was done wittingly & willingly which in many cases is impracticable—Wherefore they prayed for an amendment of said Act—Which facts being proved, and the prayer of said petition appearing reasonable—

Therefore Be it enacted by the Senate and house of Representatives in General Court convened, that if any Person or Persons shall by any way or means injure or damage said Bridge he or they shall be answerable for the damage that may be so done to the same and the Selectmen of all or any of said Towns are hereby authorized to prosecute any proper Action or Actions



therefor and the damage which may be recover'd in any such Action after deducting the costs of prosecution shall be applied to the repairs of said Bridge—

And be it further Enacted, That if any Person or Persons shall wittingly or willingly destroy, or damage said Bridge he or they shall be liable to be prosecuted by Indictment or information and to such fine as any Court having cognizance of the Offence may determine (not exceeding treble the damage)—which fine shall be appropriated to the repair of said Bridge

And Be it further Enacted, that if Cost in any such Action should be given against any of said Selectmen the Towns aforementioned shall be answerable to such Selectmen therefor and in case such Towns neglect to pay the same the Selectmen be and hereby are enabled to prosecute any proper Action for the recovery thereof

[CHAPTER 45.]

*State of  
New Hampshire.* }

AN ACT TO IMPOWER SAMUEL SILSBY TO REVIEW AN ACTION BROUGHT AGAINST HIM BY EBENEZER CORBIN LATE OF ACWORTH NOW OF CHARLESTOWN

[Passed December 31, 1791. Original Acts, vol. 13, p. 71; recorded Acts, vol. 6, p. 507.]

Whereas Samuel Silsby hath Petitioned this Court Setting forth that the said Ebenezer Corbin brought an Action Against him at the Inferior Court in the County of Cheshire and that at Said Court holden in March last he was defaulted owing to his mistake in the week which Said Court Set that he did not attend the Same, that in Some following Judgement was made & Execution issued thereon, that Said Action respects the Title of land lying in the State of Vermont Sold by him to Said Corbin, that it is not in His power to Satisfy Said Execution Otherwise than by Said land and praying that Said Execution may be Stayed & he restored to his Law which prayer Appearing reasonable Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that the Said Silsby be and he hereby is Impowered to review Said Action at the next Inferior Court to be holden at Keene within & for said County of Cheshire and have as full and as Ample hearing thereon as he was intitled too or might have had on the Original Action had Said default not taken place Any Law Usage or custom to the contrary notwithstanding—

And be it further enacted that the Said Silsby Shall cause a copy of this Act to be served upon the Said Corbin fourteen

days prior to the Setting of Said Court And that All proceedings on the Original Suit be Stayed till a trial on Said Suit be had at Said Inferior Court—any Law Usage or custom to the contrary Notwithstanding

[CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT FOR ADJUSTING ACCOUNTS AND COLLECTING SUNDRY DEBTS DUE TO THIS STATE PRIOR TO THE YEAR 1784—

[Passed January 2, 1792. Original Acts, vol. 13, p. 73; recorded Acts, vol. 6, p. 508.]

Whereas sundry Persons are indebted to this State on Bonds, Notes, Accounts, Receipts, & for Monies furnish'd Arms Ammunition & other articles supplied prior to June 1784 which demands ought to be adjusted and the sums due collected—

Be it Enacted by the Senate & House of Representatives, in General Court convened that John Taylor Gilman & Nath<sup>l</sup> Rogers Esq<sup>rs</sup> be & hereby are appointed a Committee in behalf of this State with full power to settle all Accounts, Bonds, Notes of hand, Receipts & all other debts due to the State prior to June 1784 whether for monies supplied or any other Articles upon such principles & in such manner as they shall judge equitable on consideration of the circumstances attending the same and to give regular discharge therefor on receiving payment or such security as they may judge proper—

And be it further enacted that said Committe be & hereby are impowered to call on any public Officers of this State (or any other person in whose care they may be) for all such accounts, Obligations & other Books or papers as are necessary to adjust & ascertain such demands—and such public Officers or other persons are hereby respectively directed to deliver over to said Committee all such Books & papers as are in their custody & which said Committee shall judge necessary for the adjustment of said Accounts, Debts &c

And be it further enacted that the Committee aforesaid be and hereby are impowered if it is found necessary to cause any suit or suits to be commenced in the Courts of Law on behalf & in the Name of this State against any person or persons who had Accounts open with or were Indebted to this State prior to June 1784 & whose debts or Accounts are not otherwise settled & paid and the same to pursue to final Judgment & execution—

And be it further enacted That said Committee shall have full power and authority to appoint & substitute one or more attornies under them, as to them shall appear necessary, with full power and authority to settle with or prosecute any person indebted as aforesaid as to said Attorney or Attornies shall ap-

pear most reasonable and that said Committee shall, as soon as may be render an Account to the General Court of their proceedings—

## [CHAPTER 47.]

*State of  
New Hampshire.* }

## AN ACT TO ESTABLISH A BANK IN THIS STATE AND TO INCORPORATE THE SUBSCRIBERS THERETO.

[Passed January 3, 1792. Original Acts, vol. 13, p. 74; recorded Acts, vol. 6, p. 509.]

Whereas the establishment of a Bank within this State will probably be of great public utility, and as it will be particularly beneficial to the trading part of the community and many persons under the expectations of an Act of incorporation from the Legislature of this State have accordingly subscribed thereto—

And whereas Ammi Ruhamah Cutter, Eliphalet Ladd, Jacob. Sheafe, William Gardner, and John Samuel Sherburne in behalf of such subscribers have applied for such an Act—

Be it enacted by the Senate and House of Representatives in General Court convened and by the Authority of the same That Ammi Ruhamah Cutter, Eliphalet Ladd, Jacob Sheafe, William Gardner and John Samuel Sherburne so long as they shall continue to be proprietors in the said Bank together with all those who are, and those who shall become proprietors of the said Bank, shall be a corporation and body Politic under the name of the New Hampshire Bank—

And be it further enacted by the Authority aforesaid That the said Corporation are hereby declared and made able and capable in Law to have, hold, purchase, receive, possess, enjoy and retain lands, rents, and tenements to the amount of fifty thousand dollars and no more at any one time and also monies, goods, chattles and effects to the amount of two hundred thousand dollars and no more, and also to sell, grant, devise alien or dispose of the same lands, rents, tenements, monies, goods, chattles and effects, provided that the said President Directors and Company nor any or either of them in their said capacity nor any person or persons for or in behalf of said Corporation or body Politic shall at any time directly or indirectly use or employ any money or monies of the said corporation or body politic in trade or commerce—

And be it further enacted by the Authority aforesaid, That the said Corporation shall be capable in law to sue and to be sued, plead and be impleaded, answer and to be answered unto, defend and be defended, in all Courts of Record or other Courts or places whatsoever, and to do and execute all and singular other matters and things that to them shall or may appertain to do—

And be it further enacted by the Authority aforesaid that for the well governing of the said corporation and the ordering their affairs, they shall have such officers as they shall hereafter direct and appoint and that such officers as shall be designated by the laws and regulations of the said corporation for the purpose shall be capable of exercising such power for the well governing and ordering the affairs of said corporation and calling and holding such occasional meetings for that purpose as shall be fixed and determined by the said laws and regulations—

And be it further enacted by the Authority aforesaid, That the said corporation may make establish and put in execution such laws and regulations as may be necessary to the government of the said corporation, provided the same shall in no case be repugnant to the laws and constitution of this State—

And be it further enacted by the Authority aforesaid, that the said corporation shall have full power, and authority to make have and use a common seal, and the same to break, alter, and renew at pleasure—

And be it further enacted, that the first meeting of the proprietors of said Bank shall be holden at Portsmouth on the last Wednesday in February next, at such place as they may think convenient for the choice of directors and such other purposes as said proprietors shall think proper to act on, at which and all future meetings of said Stockholders all matters shall be determined by a majority of the votes of said Stockholders present or their representatives, which votes shall be according to the following proportion, that is to say for one share and not more than two shares, one vote, for every two shares above two and not more than ten one vote, for every four shares above ten and not exceeding thirty, one vote, for every six shares above thirty and not exceeding sixty, one vote,

Provided always that any person specially appointed by the Legislature of this State for that purpose, shall have a right to examine into the affairs of the Bank, and at proper times have access to the Bank-books, And that this Act shall continue in force for fifty years only from the passing thereof and no longer—

#### [CHAPTER 48.]

*State of  
New Hampshire.* }

#### AN ACT TO PREVENT COMMON NUISANCES

[Passed January 3, 1792. Original Acts, vol. 13, p. 75; recorded Acts, vol. 6, p. 512. Laws, 1792 ed., p. 179.]

Whereas slaughter houses for killing beasts & Cattle, houses for trying tallow, or currying leather, by reason of offensive & ill stench proceeding from the same are hurtful to the health

and dangerous to the neighbourhood in large and populous towns in this State, for remedy whereof.—

Be it Enacted by the Senate and house of Representatives in General Court convened that where any slaughter house is already erected for killing of beasts in the compact part of any populous town in this State, the owner or occupyer thereof shall at least three times in every week from the last day of march to the last day of october annually remove & carry away or cause to be removed & carried away from such slaughter house or out house or houses or the appendages thereof to some remote part of the town all the entrails garbage, filth & offals of such beasts as may have been killed there, and as often as need be sufficiently wash & cleanse their said house or houses used for killing of beasts so as more effectually to prevent the stench and effluvia thereof from disturbing the peace & endangering the health of any of the citizens of this State on penalty of forfeiting the sum of thirty shillings for each weeks neglect, to be recovered before any Justice of the peace in the county where the offence may be committed one moiety thereof to the person who shall complain or sue for the same & the other moiety shall be for the benefit of the poor of the town where the offence is committed, & the proof of any dead beasts hanging up in any out house, or the laying in or carrying out the entrails, garbage or blood of any beasts shall be sufficient proof in law that such house is used for a slaughter house within the intent of this law.

Be it further enacted by the authority aforesaid that from & after the passing this act no person shall erect or occupy in the compact part of any large & populous town in this State any slaughter house, or house for trying of tallow, or for currying of leather except such as are already used for such purposes without leave first had & obtained from the selectmen of such town, together with the approbation of two Justices of the peace for said county on penalty of forfeiting forty shillings a month for occupying any building in the aforesaid trades or mysteries except as before excepted without leave first had and obtained in writing under their hands for said purposes.—

And be it further enacted that in case the regulations aforesaid, respecting the cleansing & preventing dangerous stench & Effluvias arising from the use of the slaughter houses or other out houses that now are or that have been used in any populous town or towns in this State should be found ineffectual to prevent the inconveniencies thereof on sufficient proof of which it shall & may be lawful for the Justices of the Superior Court of this State to take cognizance thereof & issue order to the owner & occupyer of any or all such slaughter houses or other buildings used for killing of beasts as aforesaid & thereby forever prohibit such use thereof and if such owner or occupyer should

refuse to obey such order & persist in killing beasts as aforesaid it shall & may be lawful for said Justices of said court to issue their precept to the sheriff or his deputy of any county where such offence shall have been committed & continued, directing him to take down & remove such building used as aforesaid, and to sell immediately at auction so much of the materials thereof as will pay him reasonably for executing said precept & all costs of taking down and removing the same

And be it further Enacted by the authority aforesaid that henceforth no cart, trucks, sled or dray drawn by either horse or horses, horse & oxen or oxen only shall be suffered to pass thro' any of the streets or lanes in the compact part of the town of Portsmouth without a sufficient driver, who shall during such passage, keep with his cart, trucks, sled or dray & carefully attend and observe such methods as may best serve to keep their horses or oxen under command & shall have the thill horse by the bridle or halter, & whatsoever carter or other person undertaking to drive any cart, trucks, sled or dray as shall neglect to observe the rules aforesaid such carter, driver or the owner of such team so offending shall forfeit & pay the sum of six shillings for each offence to be recovered in the same way & manner as is herein before directed for other nuisances

And be it further enacted by the authority aforesaid that no person shall ride thro' any of the streets or lanes in the compact part of any populous town in this State on a gallop, or any swifter pace than at the rate of five miles an hour on penalty of forfeiting the sum of six shillings for each offence to be recovered in the same manner as before directed in this act for other nuisances.—

And be it further enacted that no person shall hereafter erect or set up any house of office or casement or lay or leave any dead beast or carrion within the compact part of any populous town in this state or suffer the same to continue being already standing or set up within forty feet of any street lane or highway, or the dwelling house, shop or well of any neighbour, except on wharves or banks of the river unless the same be vaulted six feet deep & sufficiently secured & enclosed on forfeiting the sum of twenty shillings for every transgression of this law & the like sum of twenty shillings for every three months the said nuisance shall continue after the first conviction, nor shall any person in said Portsmouth erect or keep any pen or sty for swine so near the streets or lanes or their neighbours dwelling as to become a nuisance in the judgment of the surveyor or surveyors of the highways or three at least of the selectmen of said town for the time being who are hereby impowered & directed to remove the same or order it to be removed at the expence of the owner & shall recover double cost in any court proper to try the cause.—

## [CHAPTER 49.]

*State of  
New Hampshire.* }

## AN ACT EMPOWERING JOSEPH PHILBRICK TO SELL CERTAIN ESTATE—

[Passed January 4, 1792. Original Acts, vol. 13, p. 76; recorded Acts, vol. 6, p. 514.]

Whereas Joseph Philbrick of Seabrook in the County of Rockingham hath petitioned the General Court, representing, That he was appointed Guardian to Rachel Eaton, only child to Timothy Eaton late of Hampton falls Yeoman deceased, now about two years of age; and that the said Timothy died seized of a small estate, and that the money said estate will sell for upon Interest will far exceed the rent and be more productive than the real estate, and that the widow of said deceased is willing said estate shou'd be sold, provided she can have the one third part of the Interest of the money that said real estate will sell for paid her annually during her life; and praying that he may be authorized and empowered to make sale of said real estate, and to execute a good and valid deed or deeds of the same to the purchaser or purchasers, giving such caution to account with his ward for the produce thereof as the General Court may order—Therefore—

Be it enacted by the Senate and House of Representatives, in General Court convened—That the said Joseph Philbrick be and he hereby is empowered to sell and dispose of all the said real estate, for the most for which said real estate will sell and to make and execute a good and valid deed or deeds of the same to the purchaser or purchasers, which deed or deeds being duly executed according to Law shall convey the fee-simple to him as fully and absolutely as any feesimple estate can be holden and enjoyed—Provided always and it is to be taken and esteemed a condition precedent of this Act that the said Joseph Philbrick shall give caution to the Judge of Probate for the County of Rockingham with such surety as the Judge shall allow and approve to account with his said ward when she shall attain to full age—or in case of her death with her right heirs, executors or administrators for the product of the sale of said estate and the Interest that may arise therefrom, except one third of the said Interest which shall be paid to the widow of the said deceased, during her life.—

## [CHAPTER 50.]

*State of  
New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT ENTITLED "AN ACT ORDERING THE DESCENT OF INTESTATE ESTATES & IMPOWERING THE JUDGES OF PROBATE TO SETTLE THE SAME ACCORDINGLY—

[Passed January 4, 1792. Original Acts, vol. 13, p. 77; recorded Acts, vol. 6, p. 516. Laws, 1792 ed., p. 228. The act referred to is dated February 3, 1789. See act of December 13, 1792.]

Whereas no provision is made in and by said Act, for the speedy settlement of the Estates of such persons as had deceased and whose estates were then under the administration of their Executors or Administrators & not compleated—And it being necessary that a time should be limited for creditors to exhibit their claims against such estates

Therefore Be it enacted by the Senate & House of Representatives in General Court conven'd that no action shall be commenced or sustained for the recovery of any debt or other demand by contract, or breach of covenant, due from any testator or intestate (who at the time of his decease was a citizen of this State) against his Executor or Administrator by any citizen or citizens of this State after the expiration of two years nor by any other person or persons after the expiration of three years from & after the passing this Act

## [CHAPTER 51.]

*State of  
New Hampshire.* }

AN ACT AUTHORIZING THE COLLECTION OF COUNTY TAXES WHICH ARE OR MAY BE ASSESSED UPON NONRESIDENT LANDS IN UNINCORPORATED TOWNS & PLACES WITHIN THIS STATE

[Passed January 4, 1792. Original Acts, vol. 13, p. 78; recorded Acts, vol. 6, p. 518. Laws, 1792 ed., p. 197.]

Whereas in & by an Act passed February seventh one thousand Seven hundred & eighty nine, "for making and establishing a new proportion of the public taxes, among the several Towns, parishes and places within this State; and to authorize the Treasurer to issue his warrants for levying the same annually." the Towns, & places which are not incorporated, are proportioned, & set down in said act, and no provision is made in & by said act whereby County taxes can be Collected—Therefore for the remedy whereof,

Be it Enacted by the Senate & house of Representatives in General Court Convened, that the Several & respective County Treasurers within this State, be & they hereby are authorized &



impowered to Collect County Taxes in the same way & manner as the State Treasurer is in & by said Act authorized to Collect State Taxes of unincorporated Towns & places in said State—and that said County Treasurers be & they hereby are authorized to assess & Collect all back Taxes now due from any such unincorporated Towns & places, in one Tax bill in the same way and manner, as they are hereby authorized to Collect Taxes for any one Year—any Law, usage, or custom to the Contrary notwithstanding—Provided nevertheless that this Act shall be immediately published but not take effect until the first day of Sept<sup>r</sup> next.—

## [CHAPTER 52.]

*State of  
New Hampshire.* }

AN ACT TO PREVENT DAMAGE WHICH MAY BE DONE BY LUMBER  
TO THE OWNERS OF LANDS LYING ON AND ADJOINING CON-  
NECTICUT RIVER & MERRIMAC RIVER

[Passed January 4, 1792. Original Acts, vol. 13, p. 79; recorded Acts, vol. 6, p. 519. Laws, 1797 ed., p. 366. See acts of September 12, 1776 and June 17, 1794.]

Be it enacted by the Senate and house of Representatives in General Court convened That from and after the first day of may next, If any Lumber such as Masts Spars or logs of any kind which have been or may be put into either of the said Rivers or the streams running into them and which have been or may be by the waters thereof carrid or lodged on any improved Land adjoining the same in this State and which may not be taken a way by the owner or his agent on or before the Twentieth day of May in any year here after, It shall be the duty of the owner or owners of said land to lodge a list by him subscribed of such Lumber with the Town Clerk in the Town where such lumber may be lodged of the number of Masts Spars & logs with the marks on the same on or before the last day of June following in each year, and the Town clerk shall enter the same on his book of records for which he shall be paid the usual fee for recording as in other cases by the owner of said Lumber if the same shall be taken a way by him otherwise to be paid by the person or persons to Whom said Lumber shall be forfeited, and if any owner of logs recorded as aforesaid or his agent shall not take away the same on or before the twentieth day of may in each year after the time limited for such record, or if any owner of any Masts or spars recorded as aforesaid shall not take away the same within twenty three Months from and after the date of the said record, all such logs Masts and Spars shall become forfeit—and it shall and may be lawful for the owner or owners of said lands his or their agent or agents to dis-

pose of the Said Lumber to his or their use and Benefit—And be it further enacted that in case any of the lumber aforesaid hath been or shall be lodged or carrid on as aforesaid on any unimproved Land, and the owner wishes to clear the same for improvement—he shall proceed in the Same manner as aforesaid in recording the same and the Lumber when recorded shall become forfeit at the same time and in the manner as aforesaid—

And be it further enacted that if any person or persons shall Stop any Masts Spars or logs and confine them in any place so as to prevent the same from floating down the said River that are or shall be marked with any owners name or mark, or make use of or dispose of the same otherwise then such as may become forfeit as provided in this act he shall forfeit and pay such owner or owners three times the value of said Lumber to be recovered in any Court proper to try the same

[CHAPTER 53.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, PASSED THE SEVENTEENTH DAY OF JUNE LAST ENTITLED “AN ACT SUSPENDING THE OPERATION OF SUNDRY ACTS THEREIN ENUMERATED AND REFERRED TO, UNTIL A CERTAIN PERIOD—

[Passed January 5, 1792. Original Acts, vol. 13, p. 80; recorded Acts, vol. 6, p. 517. See act of February 18, 1791.]

Whereas, it was expected at the time of passing the act aforesaid, that the several acts therein enumerated, & those therein referred to, would have been printed & published thro' this State previously to the first day of February therein mentioned: But it being found, that thro' some unfortunate circumstances said acts cannot be published, as was expected

Therefore Be it enacted by the Senate & House of representatives in general Court convened, that the opperation of the several acts therein enumerated & those also therein referred to—be & hereby are further suspended until the first day of July next. Provided nevertheless that an act entitled “An act to prevent incestuous marriages & to regulate divorces” shall not be suspended hereby, but the same shall be in full force, from & after the first day of February next, any law usage or custom to the contrary notwithstanding

## [CHAPTER 54.]

*State of  
New Hampshire.* }

AN ACT IN ADDITION TO AN ACT PASSED FEBRUARY 7<sup>TH</sup> 1789  
ENTITLED "AN ACT TO ESTABLISH AN EQUITABLE METHOD OF  
"MAKING RATES & TAXES AND DETERMINING WHO SHALL BE  
"LEGAL VOTERS IN TOWN & PARISH AFFAIRS;" AND FOR REPEAL-  
"ING CERTAIN ACTS HEREIN AFTER MENTIONED."

[Passed January 5, 1792. Original Acts, vol. 13, p. 81; recorded Acts, vol. 6, p. 520. Laws, 1792 ed., p. 191. See act of February 22, 1794.]

Whereas at the time of the passing said Act the public securities of this State as well as of other States in the Union, & of the United States were then at a low depreciated value, but have since greatly appreciated and become productive to the holders thereof—

Therefore,

Be it enacted by the senate and House of Representatives in General Court convened That from & after the passing of this Act the holders of public securities shall be taxed in all future taxes and assessments at the rate of one eighth of the annual Interest said securities yield in the same way & manner as for money on hand or at Interest and it shall be the duty of the selectmen to tax the holders of said securities accordingly any law usage or custom to the contrary notwithstanding.

## [CHAPTER 55.]

*State of  
New Hampshire.* }

AN ACT TO ENABLE SAMUEL SHERBURNE AND JOHN SHERBURNE  
OF PORTSMOUTH ESQUIRES TO REVIEW IN A CERTAIN ACTION—

[Passed January 6, 1792. Original Acts, vol. 13, p. 82; recorded Acts, vol. 6, p. 521.]

Whereas Samuel Sherburne of Portsmouth Esq<sup>r</sup> surviving partner of the late Company of Daniel & Samuel Sherburne, otherwise called Samuel Sherburne of Portsmouth in the County of Rockingham & State of New Hampshire Trader has Petitioned the General Court setting forth therein that Elizabeth Wallingford of Berwick in the County of York & State of Massachusetts Bay Widow, Administratrix of the Estate of Thomas Wallingford late of Somersworth in the County of Strafford deceased, otherwise called Elizabeth Wallingford of Somersworth in the said County of Strafford Widow, as she is Administratrix on the Estate of Thomas Wallingford late of said Somersworth Esq<sup>r</sup> deceased intestate, at the Superiour Court of Judicature holden

at Dover in said County of Strafford on the third tuesday of April Anno Domini, one thousand, seven hundred and ninety, recovered Judgment against him and John Sherburne Esq<sup>r</sup> otherwise called John Sherburne Esq<sup>r</sup> of said Portsmouth Trader, for the sum of Two thousand five hundred & seven pounds four shillings & three pence, and that the said Judgment was erroneous & grievous, for reasons set forth in said Petition, and praying the General Court to grant them relief, by enabling them to review said Action at the said superiour Court, and that they may plead to the original Action, in the same manner, as if they had not been defaulted, in order that they may have a tryal by their Country upon the merits of said Action, & recover back by way of reversal in part of said Judgment so much as in the estimation of the Jury, who shall try the cause, the same shall be erroneous and that Judgment shall be rendered in the Action of review in the same manner as if the cause could now be reviewed in the ordinary course of Law. Which prayer appearing reasonable—

Therefore—Be it Enacted by the Senate and House of Representatives in General Court convened: that said Samuel Sherburne and John Sherburne be empowered, and they are hereby empowered to review the said Action at the next Superiour Court of Judicature, to be holden at Dover in and for said County of Strafford, on the third Tuesday of April next in the usual manner of reviewing Actions in said Court, and to plead to the original Action, in the same manner as if they had not been defaulted, and may have a tryal by jury on the merits of said cause in the same manner as if the Judgment aforementioned had been given on the verdict of a Jury, and the time allowed by law for a review had not expired, and upon said trial the damages aforesaid may be increased, or diminished, as said Court & jury may determine to be agreeable to law, usage and custom in other cases—and as if both parties had reviewed, And the Justices of said Court are hereby authorized & impowered to sustain said Action of review, and render Judgment thereupon, and issue execution accordingly at said term, or any other term to which it may be continued in the same manner, as if said Action was reviewed, or could be reviewed, in the ordinary course of the law by both parties, and to award costs for or against either party, as said Court and jury may determine to be legal, as in other cases—the special Act of the general court prohibiting costs to be taxed for the said Elizabeth heretofore notwithstanding. And the said John Sherburne & Samuel Sherburne shall produce at the trial, authenticated copies of the whole case as by law is required in cases of review—

## [CHAPTER 56.]

*State of  
New Hampshire.* }

AN ACT TO AUTHORIZE THE SELECT-MEN OF NEW DURHAM GORE IN THE COUNTY OF STRAFFORD IN SAID STATE, TO LEVY A TAX OF ONE PENNY AN ACRE, ON ALL THE LANDS IN SAID GORE FOR REPAIRING THE HIGH-WAYS

[Passed January 6, 1792. Original Acts, vol. 13, p. 83; recorded Acts, vol. 6, p. 523.]

Whereas the Inhabitants of said New Durham Gore, have petitioned the General Court, setting fourth, that there are Sundry Roads running through said Gore, which are out of repair, that it would be beneficial to the public in general, if they were repaired, & made passable—

Wherefore they prayed that all the Lands in said Gore might be taxed one penny an Acre for the purpose of amending said Roads—which appearing reasonable—Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, That the Select men of Said New Durham Gore for the time being, be, and they hereby are empowered to assess, levy, & collect a Tax on all the Lands in said New Durham Gore of one half penny an Acre annually for two Years, to be applied for the purpose of repairing the Highways in Said New Durham Gore—

And be it further enacted that the Collector to whom any such Rate or Tax shall be committed to collect shall give Notice thereof, by advertizing the same, three weeks successively in the New Hampshire Gazette giving six weeks Notice at least, that the said Tax is committed to him to collect, and that the Owner of the Land, so taxed has Liberty of working out said Tax any time between the first Day of June and the last Day of September in the Year for which such Tax shall have been made, at the Rate of three Shillings by the Day for an able bodied man—And all the Lands in said New Durham Gore, shall be Taxed in the usual manner of taxing Lands of Non-residents—And if the work is not done, nor the money paid, on or before the last Day of September in the Year for which such Tax shall have been made—The Collector shall advertize & sell so much of said Lands as will pay the Tax & incidental Charges in the same manner that non-resident Lands are advertized and sold for the payment of Taxes, except what relates to the Receiver General of Non-resident Taxes advertizing for Sale which shall not be necessary, Saving to the Owner of the Land, the equity of Redemption by Law allowed in Cases of Non-residents, and the work shall be done on said Roads, and the money expended, according to the Direction of the Select-men of said New Durham Gore—

And be it further enacted that the said Select-men shall account with the Court of General Sessions of the Peace for the County of Strafford for all Sums of Money by them received, and expended by Virtue of this Act, within four Years from the making & passing the same, and in default thereof shall forfeit and pay double the Sum of the Assessment or Assessments by them severally made, to be recovered by Bill Plaint or Information, in any Court proper to try the same, for the Use of the County of Strafford

VOTES, RESOLVES, ETC., OF A LEGISLATIVE NATURE PASSED AT THIS SESSION.

*State of  
New Hampshire.* }

In the Senate, June 13, 1791.

A Resolve that the Selectmen of every Town & place in this State from whom any certificate or Indent taxes are now due, be directed immediately to call to account their collectors who are delinquent in indent & Certificate taxes and that said Selectmen within three months certify to the Treas<sup>r</sup> of this State the amount of the certificate, indent & specie taxes due from the persons named in their lists to the several collectors—And that the Treas<sup>r</sup> receive from the several collectors seven shillings in lieu of every twenty shillings in said certificates or indents so certified by the Selectmen to be due from the s<sup>d</sup> individuals—

Provided that before any collector shall avail himself of the liberty given hereby of paying in silver at s<sup>d</sup> rates he shall first pay to the Treas<sup>r</sup> either in certificates, indents or State notes indiscriminately so much as may be due in certificates or indents to the Treasury and which are not so certified—And for Certificate and indent taxes the Collectors shall receive indiscriminately as may be offered them by the several delinquent persons in their lists either State notes, indents certificates or silver as before rated. And the Treas<sup>r</sup> shall keep an acc<sup>o</sup> of what certificates indents State notes or specie he shall receive of each collector for such outstanding taxes—

House of Representatives concurred June 15, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, June 16, 1791.

Resolved that all Invalid noncommissioned Officers Soldiers and Seamen who have not been inspected or who may have been inspected and been refused or struck off the list make immediate application to Doctor Samuel Tinney and Doct<sup>r</sup> William Parker of Exeter for Examination who are hereby appointed Inspectors of Invalids and on its appearing to the Inspectors that any of them ought to be on the Invalid Pension list that the Inspectors Petition Congress for their Admission and write to our Representatives and Senators in Congress stating the facts relative to the Subject—

Senate concurred June 16, 1791.

*State of  
New Hampshire.* }

In the House of Representatives, June 19, 1790.

Resolved that the expediency of issuing Extents for out standing Taxes Impost and excise be left discretionary with the Treasurer, any order to the Contrary notwithstanding excepting only that this Resolve shall not effect or alter the force of any vote or Resolve for staying extents in particular cases—

Senate concurred June 19, 1790.

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*State of  
New Hampshire.* }

In the House of Representatives, June 19, 1790.

The Honb<sup>l</sup> Senate gave information that the trial on the impeachment of the Honb<sup>l</sup> Woodbury Langdon Esq<sup>r</sup> will be at Exeter on Wednesday the twenty eighth day of July next at 9 oClock in the forenoon—Whereupon voted that M<sup>r</sup> Page, M<sup>r</sup> Livermore and M<sup>r</sup> Smith the Committee appointed yesterday be requested to attend on said day and prosecute said Impeachment in behalf of this House\*—

\*This appointed trial failed to materialize. The special session of the Senate was adjourned from Exeter to Concord in January, and on meeting there the impeachment was nolle prossed. It was generally considered that personal animosity was at the bottom of the procedure.





# INDEXES



# INDEX OF SUBJECTS

Absentees, attachments on estates of . . . . .	92
sale of lands of . . . . .	308
Academy, incorporation of, in Amherst . . . . .	734
in Atkinson . . . . .	729
in Charlestown . . . . .	709
in Chesterfield . . . . .	475
in New Ipswich . . . . .	457
Action, prosecution of, allowed George Kezar . . . . .	21
review of, allowed Benjamin Abbot . . . . .	812
allowed Benjamin Brown, Jr. . . . .	811
allowed Jonathan Blake . . . . .	572
Actions, limitation of . . . . .	769
prosecution of, allowed Elizabeth Butler . . . . .	43
trial of, removed to Hillsborough from Rockingham and Cheshire Counties . . . . .	415
Acts, operation of suspended . . . . .	778
Adams, Samuel, restored to his law . . . . .	214
Adjutants, of light-horse to rank as captains . . . . .	437
Administrator, appointment of, to estate of William Stark . . . . .	445
not personally holden for debts of intestate . . . . .	391
Adultery, punishment for . . . . .	707
Affidavits, out of Court, how taken . . . . .	612
Agreement, between Enoch Johnson and Samuel White, carried into effect . . . . .	397
Alarm, military, neglect to respond to, how punished . . . . .	184
Alarm list, how constituted . . . . .	178
Ammunition, for militia, how provided . . . . .	183
Apthorp, divided into two towns . . . . .	23
Arms and accoutrements, examination of . . . . .	180
provided for students of Dartmouth College . . . . .	736
Articles of confederation, commissioners appointed for revision thereof . . . . .	273
Artillery, inspection of . . . . .	329
Ashes, pot and pearl, inspection of . . . . .	824
Atkinson, time of annual meeting therein altered . . . . .	484
Attachments, on estates of absentees, act in relation thereto . . . . .	92
Attorney, power of, to Woodbury Langdon, continued . . . . .	66
Attorneys, act in relation to . . . . .	731
Bail, in civil causes, regulation of . . . . .	688
Band, training, of whom composed . . . . .	177
Banks, establishment of . . . . .	833
Barker, Stephen, restored to his law . . . . .	210
Barrett, Rebecca, to represent her husband's estate . . . . .	561
Bastard children, maintenance of . . . . .	666
Batchelder, Breed, commissioners on estate of, authorized to reconsider report . . . . .	754
Bedel, Timothy, commissioners on estate of, allowed further time . . . . .	521
Bedford, date of annual meeting therein changed . . . . .	167
selectmen of, empowered to appoint a collector . . . . .	230
Beef, exportation of . . . . .	759, 824
Bills of credit, paper, not legal tender . . . . .	246
Bills, of new emission, to be received for taxes . . . . .	59
Births, registration of . . . . .	689
Books, imported free of duty . . . . .	309
Boundaries, between Sandwich and other towns, settlement of . . . . .	49
Bounties, for soldiers serving less than three years . . . . .	60
Boynton, William, restored to his law . . . . .	700
Bridge, in Stratham, repair of . . . . .	830
over Exeter river, repairs on . . . . .	133
Bridges, in Allenstown, tax for repair of . . . . .	461

Burials, registration of . . . . .	689
Burrows, William, Jr., restored to his law . . . . .	574
Butler, Elizabeth, empowered to prosecute actions . . . . .	43
Calfe, John, <i>et als</i> , empowered to rectify a report . . . . .	498
Cardigan, former town meeting therein established . . . . .	94
Casks, gauging of . . . . .	227, 321
Causes, civil, process and trials in, regulated . . . . .	621
Certificates, for interest, to be issued by the Loan Officer . . . . .	38
for payment of interest and part of principal of State's debt, authorized . . . . .	8
to be issued for 15 per cent of State notes . . . . .	438
to be issued to certain persons . . . . .	208
Charlestown, westerly line, extended . . . . .	308
Charity School, Moor's, accounts to be audited . . . . .	272
Chase, Jonathan, enabled to enter an action . . . . .	367
restored to his law . . . . .	288
Chester, time of annual meeting therein changed . . . . .	523
Child, Jonathan, restored to his law . . . . .	26
Children, posthumous, rights of . . . . .	380
Church, Episcopal, in Portsmouth, enabled to tax parishioners . . . . .	141
Clerks, of towns, delinquent, prosecution of . . . . .	272
Collectors, deficient, proceedings against . . . . .	644, 844
of taxes, duties and powers of . . . . .	667
Commerce, regulation of . . . . .	103, 158
Commissioners, appointed to Convention to renew Articles of Confederation . . . . .	273
appointed, to present demands of the State against the United States . . . . .	739
appointed, to settle accounts between United States and individuals . . . . .	104
Committee, to determine number of delegates in Convention to ratify Federal Constitution, appointed . . . . .	294
to run the line between this state and Maine,—also Canada . . . . .	438
Companies, independent, abolished . . . . .	191
Concord, proprietors of, empowered to collect taxes . . . . .	347
Confiscation act, amended . . . . .	553
Congress, appointment of delegates thereto . . . . .	15
authorized to regulate commerce . . . . .	203
invested with additional powers . . . . .	25
members of, to be two . . . . .	85
ordinance of, carried into effect . . . . .	419
requisition of, complied with . . . . .	245
Constables and collectors, new ones authorized to be chosen . . . . .	201
Constitution, Federal, amendments of accepted . . . . .	507
four hundred copies to be printed . . . . .	295
submitted to a convention . . . . .	294
Constitutional convention, deputies to, appointment of . . . . .	246, 264
mode of calling . . . . .	764
qualifications of delegates . . . . .	294
Convention, members of, to be paid by President . . . . .	316
Conveyance, by deed, mode of . . . . .	652
Conway, Bartlett and other places classed for representation . . . . .	780
Cooke, Noah, restored to his law . . . . .	97
Coroner, office of, regulated . . . . .	747
Corser, David, restored to his law . . . . .	174
Costs, unnecessary, prevention of . . . . .	168
Council, members of . . . . .	1, 61, 151, 248, 311, 439, 508, 740
Councilors, authorized to administer oaths to appointed officers . . . . .	16
Counties, boundaries of . . . . .	766
Court, General, First . . . . .	1
Second . . . . .	61
Third . . . . .	157
Fourth . . . . .	248
Fifth . . . . .	311
Sixth . . . . .	439

Court, General, Seventh . . . . .	508
Eighth . . . . .	740
Inferior, for Rockingham County, time of holding changed . . . . .	435
in Portsmouth, time of holding changed . . . . .	142
Maritime, authority of extended . . . . .	229
of Common Pleas . . . . .	638
for Strafford County, adjourned . . . . .	327
of General Sessions, of the Peace, jurisdiction of . . . . .	637
terms of reduced . . . . .	416
of law, establishment of . . . . .	635
of Probate, in Rockingham County, times and places of holding named . . . . .	506
Superior, authorized to tax costs in an action . . . . .	489
empowered to render judgment in an action . . . . .	110
empowered to take cognizance of an action . . . . .	513
jurisdiction of . . . . .	639
time of holding in Grafton County changed . . . . .	828
Courts, in Rockingham County, adjourned . . . . .	86
time of holding . . . . .	45, 255, 266
Crimes, punishment of . . . . .	596, 718
Croydon, act taxing land therein . . . . .	337
Cummings, Benjamin, share in father's estate restored to him . . . . .	135
Cursing and swearing, punishment of . . . . .	651
Curtis, Robert, commissioners for estate of provided . . . . .	803
Damage, to persons on highways, recovery therefor . . . . .	119
Dartmouth College, land granted to . . . . .	396
Dearborn, Benjamin, granted patents . . . . .	156, 232
Debt, prisoners for, relief of . . . . .	442, 704
Debtors, absent, proceedings against trustees . . . . .	678
act to prevent bodies of, being taken on execution . . . . .	98, 173
bodies of, exempt from attachment, in certain cases . . . . .	269
Debts, due to the state, collection of . . . . .	832
of intestate, administrator not holden for . . . . .	391
small, recovery of . . . . .	101, 265, 268
Decree, of Judge of Probate, appeal from . . . . .	384, 390
Deed, collector's, form of . . . . .	433
operation of, limited . . . . .	446
Deeds, registers of, choice of . . . . .	743
vacated . . . . .	7, 395, 485, 499, 520
validated . . . . .	411, 480, 571, 818
Disorderly persons, arrest of authorized . . . . .	811
punishment of . . . . .	691
Distracted persons, relief of . . . . .	633
Divorces, regulation of . . . . .	733
Donation, by Nicholas Gilman, Jr., confirmed . . . . .	107
Dower, convenient and speedy assignment of . . . . .	647
of Sarah Moulton, set off . . . . .	350
Draft, in militia, when authorized . . . . .	183
Dunbarton, time of annual meeting therein changed . . . . .	795
Duties, establishment of . . . . .	263
levied on imported articles . . . . .	146, 316
Election sermon, appointment of preacher therefor . . . . .	59
Elkins, Jonathan, restored to his law . . . . .	166
Entry, forcible, and detainer, proceedings in . . . . .	714
Episcopal society, in Portsmouth, incorporation of . . . . .	708
Estate, of Charles Henzel, restored . . . . .	193
of John Giddings, administration <i>de bonis non</i> granted . . . . .	300
of George Meserve, exempted from forfeiture . . . . .	447
of Thomas Simpson, time for prosecuting demands against limited . . . . .	817
of John Wentworth, time extended for presenting claims against . . . . .	823
real, mortgaged, redemption of . . . . .	724
Estates, confiscated, act in relation thereto . . . . .	27
descent of, act in relation to . . . . .	838
insolvent, distribution of . . . . .	35, 662

Estates, testate, settlement of . . . . .	380
intestate, descent of . . . . .	384
distribution of . . . . .	385
Evans, Oliver, granted patent . . . . .	401
Ewen, Alexander, restored to his law . . . . .	774
Excise, collection of . . . . .	737
by administrators . . . . .	163, 336
for raising revenue . . . . .	285
on liquors, act in relation to . . . . .	260, 556
orders receivable for . . . . .	465
Execution, alias, authorized against Joseph Clark . . . . .	317, 400
amended . . . . .	143
annulled . . . . .	125, 128
remedy for mistake in levying . . . . .	563
Executions, mutual, to be set off . . . . .	254
Executors, duty of . . . . .	381
Exeter, time of annual meeting therein changed . . . . .	292
Exportation, and importation, to be prohibited by Congress . . . . .	25
of flaxseed and ashes, regulated . . . . .	82
of various articles, act in relation to . . . . .	262, 283
Extents, of Treasurer, for state taxes, how issued . . . . .	437
False report, in an action, to be rectified . . . . .	498, 575
Fast day, named . . . . .	148, 246, 309, 437, 737, 781
Fees, in Secretary's office . . . . .	618
of attorneys . . . . .	620
of clerk of Court of Common Pleas . . . . .	615
of clerk of Superior Court . . . . .	615
of constables . . . . .	617
of coroners . . . . .	617
of criers . . . . .	617
of grand jurors . . . . .	619
of jailers . . . . .	619
of judges and registers of probate . . . . .	617
of justices, at Court of Common Pleas . . . . .	615
at Court of General Sessions . . . . .	614
in civil causes . . . . .	613
of notaries . . . . .	619
of petit jurors . . . . .	619
of registers of deeds . . . . .	619
of sheriffs . . . . .	616
of witnesses . . . . .	619
regulation of . . . . .	242, 613
Fences, regulation of . . . . .	579
Ferry, privilege of, granted to Oliver Ashley . . . . .	22
Samuel Bailey . . . . .	113
Benjamin Bellows . . . . .	114
Joseph Bryant . . . . .	786
Edwards Bucknam . . . . .	106
Thomas Burnside . . . . .	136
Charlestown . . . . .	224
Moses Chase . . . . .	139
Henry Gerrish . . . . .	255
Eliphalet Hale . . . . .	223
Haverhill Selectmen . . . . .	368
Joseph Kimball . . . . .	115
Jonathan Mason . . . . .	96
Benjamin Noyes . . . . .	684
William Read . . . . .	371
Micah Reed . . . . .	140
Solomon Robbins . . . . .	144
James Robertson . . . . .	53
Parker Stevens . . . . .	354
Benjamin Sumner . . . . .	18
Joseph Tilden . . . . .	548
Lemuel Tucker . . . . .	58

Ferry, privilege of, granted to Azariah Webb . . . . .	259
Allen Willard . . . . .	175
Richard Young . . . . .	339
Fields, common, act relative to . . . . .	579
Fifield, Samuel, restored to his law . . . . .	361
Fines, and forfeitures, under the militia law, how recovered . . . . .	185
Fire Society, United, incorporation of . . . . .	814
Fish, protection of, in Ammonoosuc River . . . . .	164
in Ashuelot River . . . . .	343
in Connecticut River . . . . .	402, 788
in Merrimack River . . . . .	186, 412, 527
in Piscataqua River . . . . .	349
Fisher, John, children of, granted right to hold real estate . . . . .	787
enabled to convey lands . . . . .	543
property restored thereto . . . . .	129
Fishing, in the Merrimack, privilege extended . . . . .	484
Fraud, in cord wood exposed for sale, prevention of . . . . .	757
Frauds and perjuries, prevention of . . . . .	652
Friendly Society, incorporation of . . . . .	805
Fund, for redemption of certain orders, established . . . . .	289
Gates, Laban, restored to his law . . . . .	176
Geer, Walter, empowered to review an action . . . . .	767
Giddinge, John, administration <i>de bonis non</i> granted on estate . . . . .	300
Gilman, Jeremiah, removed from office of Justice of Peace . . . . .	148
Gilsum, and Sullivan, tax law amended . . . . .	539
Gilsum, inhabitants of, empowered to tax lands . . . . .	535
Gold, and silver coin, importation of encouraged . . . . .	173
Government, officers of . . . . .	1, 61, 151, 248, 311, 439, 508, 740
Grant, to Dartmouth College, validated . . . . .	506
Grantham, name changed to New Grantham . . . . .	296
Green, Ebenezer, administrators to collect excise . . . . .	163
Greenfield, act of incorporation amended . . . . .	829
Greenfield, Thomas, restored to his law . . . . .	494
Guardian, appointment of, for Mehitable Treadwell . . . . .	472
Guardianship, of James McClure by Samuel Foster, revoked . . . . .	96
Gunpowder, keeping thereof in Portsmouth regulated . . . . .	127
Hampstead, time of annual meeting therein changed . . . . .	565
Hancock, selectmen of, empowered to tax lands to build a meeting house . . . . .	94
Hanover, tax assessment therein validated . . . . .	323
title to certain lands therein validated . . . . .	345
Harford, Stephen, restored to his law . . . . .	793
Harriman, Jaasiel, restored to his law . . . . .	524
Hart, Mary, authorized to sell estate . . . . .	48, 207
Harvey, Ebenezer, authorized to collect certain taxes . . . . .	198
Hayes, Benjamin, confirmed in title to land . . . . .	364
Hazeltine, Sarah, empowered to sell real estate . . . . .	458
Heirs, to be notified of settlement of executor's account . . . . .	383
Hicks, Joseph, restored to his law . . . . .	359
Highway, from Barnstead to Northwood . . . . .	295, 334
from Concord to Durham and Newmarket . . . . .	789
from Conway to Upper Coos, repair of . . . . .	196
from Dartmouth College to Boscawen . . . . .	107, 216
in Portsmouth, established . . . . .	238
recovery of damages by persons injured thereon . . . . .	119
to Dartmouth College . . . . .	34
Highways, act for laying out . . . . .	578
encroachments on, prevention of . . . . .	121
manner of laying out . . . . .	116
removal of encumbrances thereon . . . . .	119
repair of . . . . .	117
sundry laws relative thereto repealed . . . . .	122
through unincorporated lands, how made and repaired . . . . .	120
Hillsborough, time of annual meeting therein changed . . . . .	92

Hogg, John, restored to his law . . . . .	481, 511
Samuel, restored to his law . . . . .	470
Horne, Anna, enabled to prosecute complaint of bastardy . . . . .	456
restored to her law . . . . .	455
House of Representatives, allowance to members . . . . .	15
members of . . . . .	2, 62, 151, 248, 311, 439, 508, 740
Houses, licensed, regulation of . . . . .	752
Hutchinson, Solomon, granted a rehearing . . . . .	353
Idiots, relief of . . . . .	633
Impeachment of Woodbury Langdon . . . . .	537
articles of . . . . .	538
time of trial set . . . . .	845
Importation, of certain articles, free of duty . . . . .	172
Impost act, partly suspended . . . . .	85
Impost, orders receivable for . . . . .	327, 465
Indictment, against selectmen of sundry towns, quashed . . . . .	437
against selectmen of Weare, quashed . . . . .	328
Interest, on town bounties, discontinued . . . . .	291
on public debt, certificates therefor authorized . . . . .	56
unlawful, taking of restrained . . . . .	683
Intestate estate, administration granted to widow . . . . .	386
Invalids, in the militia, examination of . . . . .	328
inspectors of appointed . . . . .	781, 844
support of . . . . .	170, 220
Invoice, of polls and estates, when taken . . . . .	10
Iron, rolling mills encouraged . . . . .	275
Jaffrey, annual meeting therein changed . . . . .	274
Jail, boundaries of yards fixed . . . . .	685
Jenness, Richard, restored to his law . . . . .	504
Judge, of Probate, for Cheshire County, enabled to grant license for sale of real estate . . . . .	751
for Middlesex County, Mass., doings of confirmed . . . . .	279
Judgment, against Zebulon Edgerly, annulled . . . . .	362
against James Murch, annulled . . . . .	576
against Thomas Pinkham, annulled . . . . .	89
against Ebenezer Torrey, annulled . . . . .	126
against Jonathan Gove, reversed . . . . .	243
in favor of John Smith, established . . . . .	90
Jurors, grand, choice and service of . . . . .	585
petit, appointment of . . . . .	67
Justices, of the peace, to administer oaths . . . . .	245
special, appointment of . . . . .	188
Kezar, George, enabled to prosecute an action in review . . . . .	21
Kimball, Joseph, granted right to navigate Waterqueeeche Falls . . . . .	783
King, William, enabled to take the name of Atkinson . . . . .	315
Knox, Henry, and others, empowered to execute deeds . . . . .	358
Lamson, Elizabeth, restored to her law . . . . .	202
Langdon, inhabitants of, empowered to tax non-residents . . . . .	457
Land, in Hollis, annexed to Raby . . . . .	228
in Newcastle, ceded to United States . . . . .	686
to be surveyed . . . . .	736
of absentees, act in relation to sale of . . . . .	308
of non-residents, sold for taxes, redemption of . . . . .	13
redemption of, by executors . . . . .	342
sale, of by administrator . . . . .	161, 297, 344, 456, 512
by executors . . . . .	206, 526, 547, 567
by guardian . . . . .	6, 52, 65, 157, 188, 299, 319
by selectmen . . . . .	471, 486, 490, 514, 517, 827, 837
by widow . . . . .	236, 301, 649
title to, confirmed . . . . .	162, 215, 306, 469, 472
. . . . .	32, 112, 123, 121, 212, 213, 258
. . . . .	267, 341, 347, 364, 545, 564, 569



Lands, and tenements, subject to payment of debts . . . . .	701
forfeitures of, to be determined by Superior Court . . . . .	407
in common, partition of . . . . .	160, 392
in Newcastle, annexed to Rye . . . . .	807
of the state, title thereto conveyed . . . . .	492
unimproved, to be assessed for taxes . . . . .	11
Law, militia, committee for regulation of, appointed . . . . .	84
restoration to, of Samuel Adams . . . . .	214
of Stephen Barker . . . . .	210
of William Boynton . . . . .	700
of William Burrows, Jr. . . . .	574
of Jonathan Chase . . . . .	288
of Jonathan Child . . . . .	26
of Noah Cooke . . . . .	97
of David Corser . . . . .	174
of Jonathan Elkins . . . . .	166
of Alexander Ewen . . . . .	774
of Samuel Fifield . . . . .	361
of Laban Gates . . . . .	176
of Thomas Greenfield . . . . .	494
of Stephen Harford . . . . .	793
of Jaasiel Harriman . . . . .	524
of Joseph Hicks . . . . .	359
of John Hogg, Jr. . . . .	481, 511
of Samuel Hogg . . . . .	470
of Anna Horne . . . . .	455
of Richard Jenness and others . . . . .	504
of Elizabeth Lamson . . . . .	202
of Elizabeth McClary . . . . .	552
of Thomas Packer . . . . .	454
of Benjamin Parsons . . . . .	288
of Samuel Randall . . . . .	562
of Daniel Sargent . . . . .	372
of James Saunders . . . . .	218
of John Sullivan . . . . .	522
of Josiah Swett . . . . .	487
of Hugh Tallant . . . . .	123
of Samuel Thompson . . . . .	217
of Richard Tripe . . . . .	455
of Jonathan Wadleigh . . . . .	794
of James Wallace . . . . .	797
of Leonard Whiting . . . . .	87
of Robert Wire . . . . .	346
of John Young . . . . .	131
Laws, revision of, committee appointed for . . . . .	16, 507
Leavitt, Carr, empowered to collect a certain tax . . . . .	86
Thomas, made sole executor of wife of Jonathan Moulton . . . . .	524
Legislature, members of, authorized to vote for congressmen . . . . .	436
Lewdness, punishment for . . . . .	707
Libbey, Jeremiah, appointed guardian . . . . .	496
Light-house, act in relation to . . . . .	35
Little, Sarah, authorized to sell land . . . . .	19
Lord, Gershom, enabled to file a complaint . . . . .	298
Lord's Day, observance of . . . . .	75, 373
Loring, Daniel, and Asahel Goodenow, empowered to refer demands . . . . .	234
Lotteries, suppression of . . . . .	686
Lottery, for bridge over Ammonoosuc River . . . . .	503
for bridge over Baker's River . . . . .	132
for bridge over Little Harbor River . . . . .	773
for bridge over Sugar River . . . . .	77
for bridge to Newcastle . . . . .	478
for Dartmouth College . . . . .	20, 36, 226, 283
for improvement of Merrimack River . . . . .	57
Lumber, admeasurement of . . . . .	190
damage from, on Connecticut and Merrimack Rivers, prevented . . . .	839

McClary, Elizabeth, restored to her law . . . . .	552
McClintock, Rev. Mr., voted fifteen pounds for sermon . . . . .	15
McGregor, James, and others, empowered to prosecute a review . . . . .	464
McMillan, Archibald, granted pension . . . . .	36
Mansfield, Samuel, authorized to sell estate . . . . .	370
Marriages, incestuous, prohibited . . . . .	732
registration of . . . . .	689
regulation of . . . . .	689
Mason, John Tufton, enabled to take an appeal . . . . .	799
Masonian Proprietors, authorized, to raise money . . . . .	325
land to be conveyed to . . . . .	322
payments by . . . . .	781
settlement with, provided for . . . . .	310
Medical Society, incorporation of . . . . .	711
Meeting house, in Deering, tax to be levied therefor . . . . .	95
in Hancock, tax to be levied therefor . . . . .	94
in Stoddard, tax to be levied therefor . . . . .	287
Meredith, time of annual meeting therein changed . . . . .	24
Meserve, Nathaniel, enabled to review an action . . . . .	360
Militia, called for protection of the General Court . . . . .	199
company of light-horse to be raised . . . . .	199, 245,
disobedience of orders therein . . . . .	327
draft in when authorized . . . . .	182
duty of, in time of invasion . . . . .	183
equipment of . . . . .	185
laws relating to, repealed . . . . .	179
neglect of duty by commanding officer, penalty for . . . . .	177
new rules of discipline established . . . . .	181
notice of, to soldiers for appearance . . . . .	85
number of officers and privates in each company . . . . .	181
persons therein who are exempt from training band . . . . .	178
provisions for, how provided . . . . .	208
power of President to call out to quell riots, discontinued . . . . .	183
regulation of . . . . .	245
returns of companies to be made by captains and colonels . . . . .	177, 178
service in, who exempted from . . . . .	180
thanks, extended to . . . . .	177
to be called out to suppress riots . . . . .	199
to be paid for suppressing insurrections . . . . .	200
two divisions of, established . . . . .	200
Militia law, amendment of . . . . .	191
Moffatt, Sarah Catherine, empowered to partition lands . . . . .	197
Money, from duties, how appropriated . . . . .	159
Monopoly, in building chimneys, granted to John Young . . . . .	189
Moor's Charity School, accounts of, to be audited . . . . .	790
Morey, Israel, enabled to review an action . . . . .	272
exempted from arrest . . . . .	417
Morrill, Robert, empowered to enter an action . . . . .	320
Moulton, Jonathan, executors of, granted certain powers . . . . .	261
Moultonborough, time for advertising taxes therein extended . . . . .	375
time of annual meeting therein changed . . . . .	523
Mulliken, Joseph, enabled to enter an appeal . . . . .	782
Nails, manufacture of, encouraged . . . . .	467
Names changed, William King to William Atkinson . . . . .	275, 434
John Peirce, 3d to Edward John Peirce . . . . .	315
Samuel Sherburne to John Samuel Sherburne . . . . .	783
Naturalization, of Charles J. G. Colinet and wife . . . . .	466
of Peter de Sausse and family . . . . .	307
Navigation act . . . . .	44
Navigation, and commerce, regulation of . . . . .	103, 192
New Durham Gore, meeting therein validated . . . . .	78
New Hampton, inhabitants of, empowered to choose a constable . . . . .	491
selectmen of, empowered to amend warrants . . . . .	205
Notes and certificates, issued by the state, tenor thereof described . . . . .	330
Nuisances, common, prevention of . . . . .	324
	835

Oaths, form of . . . . .	49, 506, 611
in courts martial, form of . . . . .	186
of State officers, how administered . . . . .	465
Officers, invalid in militia, allowed pension . . . . .	170
of towns, choice of . . . . .	588
Oil, linseed, manufacture of, encouraged . . . . .	163
Orange, selectmen of, enabled to collect taxes . . . . .	544
Ordinance, of Congress, act making effectual . . . . .	331
Overseers of the poor, duties of . . . . .	601
Packer, Thomas, enabled to review an action . . . . .	448
restored to his law . . . . .	454
Packersfield, time of annual meeting therein changed . . . . .	109
Page, Daniel, enabled to collect certain taxes . . . . .	351
Paper, manufacture of, encouraged . . . . .	428
Parish, in Amherst, established . . . . .	554
North, in Portsmouth, incorporated . . . . .	758
second, in Amherst, established . . . . .	356
Parsons, Benjamin, restored to his law . . . . .	288
Patent, granted, for elevators and hopper-boys . . . . .	401
for hand engine and scales . . . . .	232
for printing press, etc. . . . .	156
Peabody, Nathaniel, recalled as a delegate . . . . .	190
Peace, treaty of, acts repugnant thereto repealed . . . . .	253
Penal statutes, suits on limited . . . . .	505
Perkins, Abraham, authorized to collect certain taxes . . . . .	30
Peterborough, part of annexed to Temple . . . . .	369
Pier, at Newcastle, removal of authorized . . . . .	737
Piermont, persons and estates in, annexed to Wentworth . . . . .	239
Pilotage, in port of Piscataqua, regulation of . . . . .	74
Pillsbury, Samuel, empowered to collect certain taxes . . . . .	102
enabled to complete return on an execution . . . . .	167
Polygamy, punishment for . . . . .	707
Poll parish, erected in Pelham . . . . .	209
Poor, John, act in favor of . . . . .	335
Poor, maintenance of . . . . .	251, 502, 601
Pork, exportation of, regulated . . . . .	759
Post offices, provided for . . . . .	149
Post-riders, provision for repealed . . . . .	191
Post-routes, establishment of . . . . .	104, 738
Pounds, regulation of . . . . .	629
Presbyterians, of Seabrook, enabled to call a meeting . . . . .	28
Prescott, Jeremiah, administration of estate of . . . . .	41
Prisons, regulation of . . . . .	656
Prisoners, of United States, to be kept in state jails . . . . .	479
Probate, judge of, empowered to grant license to sell real estate . . . . .	699
Proceedings, of Justices, how preserved . . . . .	746
Proportion act . . . . .	29, 420
Proprietors, of Concord, empowered to collect taxes . . . . .	347
of undivided lands, authorized to call meetings . . . . .	30
Protectworth, time of annual meeting therein changed . . . . .	746
Raby, part of Hollis, annexed thereto . . . . .	108
Randall, Samuel, restored to his law . . . . .	562
Rates and taxes, collection of . . . . .	279
equitable method of assessing . . . . .	9, 28, 429, 603
establishment of . . . . .	820, 841
Rates, of tender, for silver and gold coin . . . . .	39
Records, of state, in hands of John Wentworth, to be procured . . . . .	257
Reed, James, voted an allowance . . . . .	149
Referees, appointment of, in dispute between Robert Wier and Samuel Adams . . . . .	394
in case of Pierce v. Cutts, enabled to reconsider judgment . . . . .	488
Registration, of marriages, births and burials . . . . .	689
Representative, town of Rye authorized to elect . . . . .	59
Representatives, to Congress, mode of electing . . . . .	518
towns charged with pay of . . . . .	60

Rindge, Daniel, vote of thanks to . . . . .	309
Rindge, time of annual meeting therein changed . . . . .	542
Riot, certain persons ordered indicted for . . . . .	200
Roach, John, empowered to defend a suit . . . . .	169
Robinson, Ephraim, <i>et als.</i> , guardians, granted certain powers . . . . .	355
Ross, Sarah, empowered to sell certain property . . . . .	47
Sail cloth, manufacture of encouraged . . . . .	377
Salem, time of annual meeting therein changed . . . . .	294
Sargent, Daniel, restored to his law . . . . .	372
Saunders, James, restored to his law . . . . .	218
Schools, act for regulation of . . . . .	449, 788
act repealing all laws in force relating thereto . . . . .	449
School law, to be printed and distributed . . . . .	781
Seal, State, established . . . . .	37, 40
payment for, voted . . . . .	59
Seaweed, hauling of, from Hampton Beach, in the night, prohibited . . . . .	443
Senate, members of . . . . .	I, 61, 151, 248, 311, 439, 508, 740
Senator, senior, title of, established . . . . .	436
Set-off, act in relation to . . . . .	262
act providing for . . . . .	583
Sharon, incorporation of . . . . .	551
Shattuck, Abel, heirs of, confirmed in title to lands . . . . .	274
Sheafe, Thomas, authorized to take administration . . . . .	340
Sherburne, Jonathan, enabled to enter an appeal . . . . .	530
Samuel and John, enabled to review an action . . . . .	841
Samuel, enabled to use the name of John . . . . .	466
Sarah and another enabled to become parties to a suit . . . . .	530
Sheriff, delinquent, fine imposed upon . . . . .	112
duties of . . . . .	608
of Hillsborough County, prosecution of voted . . . . .	272
office of, provided for in case of death . . . . .	785
Silsby, Samuel, empowered to review an action . . . . .	831
Simpson, Thomas, time for prosecuting demands against estate of, limited . . . . .	817
Sluices, in Ashuelot River, opening of . . . . .	343
Smallpox, prevention of . . . . .	331, 378
Smith, James, confirmed in title to land . . . . .	341
Richard, authorized to collect taxes in Seabrook . . . . .	165
Soldiers, allowance for, voted . . . . .	37
bounties for those serving less than three years . . . . .	60
certificates of service to be furnished towns . . . . .	104
disabled, list of to be made . . . . .	170
invalid, allowed a pension . . . . .	170
payment of, provided for . . . . .	17
Solicitors General, appointment of provided for . . . . .	463
Standards, for horse and foot corps, established . . . . .	191
for regiments, to be provided . . . . .	291
Stinson, John, ordered deported . . . . .	60
Stoddard, time of annual meeting changed . . . . .	204
Strays and lost goods, act relative to . . . . .	641
Suits, vexatious, prevention of . . . . .	769
Sullivan, incorporation of . . . . .	282
John, restored to his law . . . . .	522
Summonses, mode of filing . . . . .	457
Surry, town meeting therein validated . . . . .	317
Survey, of Dartmouth College grant, validated . . . . .	506
Suspension act . . . . .	727, 840
Swett, Josiah, restored to his law . . . . .	487
Swine, regulation of . . . . .	761
Tallant, Hugh, restored to his law . . . . .	123
Tamworth, Eaton and Burton, classed for representation . . . . .	780
Taverners, regulation of . . . . .	257
Tax law, amended . . . . .	539
Taxation, act relating thereto . . . . .	14

Taxes, assessed, for payment of interest and principal of public debt.....	54
assessment of, validated.....	323
for building and repairing highways in Barrington.....	138
Bradford.....	348
Campbell's Gore.....	687
Campton.....	772
Chichester.....	795
Cockermouth.....	791
Coventry.....	804
Dorchester.....	802
Effingham.....	501
Fitzwilliam.....	462
Gilsum.....	535
Grantham.....	801
Hancock.....	94
Lancaster.....	304, 329
Lempster.....	474
Littleton and Dalton..	365
Lyman.....	661
Mile Slip.....	516
Moultonborough.....	468
New Chester.....	540
New Durham.....	775
New Durham Gore...	843
New Hampton.....	779
New London.....	55
Orford.....	822
Orange.....	559
Ossipee.....	800
Packersfield.....	541
Peterborough Slip..	406, 463
Piermont.....	494
Protectworth.....	531
Rumney.....	776
Sandwich.....	570
Sullivan.....	535
Sutton.....	352
Tamworth.....	458
Thornton.....	768
Unity.....	293
Warren.....	532
Washington.....	50, 93
Wendell.....	555
Wentworth.....	534
Wolfeboro.....	549
bills of new emission to be received therefor.....	59
collection of.....	279, 443, 838
in Exeter, authorized.....	231
in Nottingham West, authorized.....	43
equitable method of making.....	9, 28, 429, 603
establishment of.....	820, 841
in Bedford, collector of, appointed.....	230
in Exeter, first Parish, collection of.....	233
collectors of, appointed.....	211
in Gunthwaite, mode of assessing and collecting.....	219
levied on polls and estates.....	8, 134, 145, 194, 244, 290, 300, 418, 500, 819
ministerial, in Portsmouth, how raised.....	11
of non-residents, how collected.....	111
outstanding, payment of facilitated.....	134
payment in certificates regulated.....	199
Thanksgiving Day named.....	36, 192, 273, 328
Thompson, Ebenezer, empowered to collect certain duties.....	404
Thompson, Samuel, restored to his law.....	217
Thornton, Matthew, empowered to make deeds.....	459
Thurston, James, authorized to convey land.....	813
Thyng, Samuel, empowered to sell land.....	563

Tilton, Jonathan, empowered to enter a complaint.....	88
Toll-bridge, over Merrimack River, at Hooksett, right of.....	726
Town lines, perambulation of.....	587
Towns incorporated:	
Bartlett.....	516
Bradford.....	280
Bridgewater.....	303
Dalton.....	23
Goshen.....	816
Greenfield.....	755
Langdon.....	225
Littleton.....	24
Orange.....	525
Ossipee.....	51
Sharon.....	551
Sullivan.....	282
Trade and commerce, regulation of, by Congress.....	81
Treasurer, to use his discretion in issuing extents.....	845
county, how chosen.....	743
Treasury loan, provided for.....	782
Treasury notes, date of, fixed.....	84
Treasury, orders on, receivable for taxes.....	246
Treaty of peace, with Great Britain, acts incompatible therewith repealed.....	195
Trespass, action of rehearing therein granted.....	305
prevention of.....	697
Tripe, Richard, restored to his law.....	455
Trustees, of absent debtors, proceedings against.....	678
of colleges, empowered to sue and defend actions.....	595
Voter, legal, who deemed.....	II, 430
Wadleigh, Jonathan, restored to his law.....	794
Wallace, James, restored to his law.....	797
Wallingford, Elizabeth, enabled to renew an action.....	236
Warner, Jonathan, and Richard Jenness, dispute between referred.....	404
Waste land, belonging to state, committee to ascertain.....	241
Watches, military, appointment of.....	183
Watchmen, empowered to arrest disorderly persons.....	811
Wentworth, Elizabeth, empowered to convey estate.....	155
John, estate of, execution levied on.....	560
time for presenting claims against estate of, extended.....	823
Mark Hunking, authorized to act for certain heirs.....	31
Whiting, Leonard, authorized to levy or extend an execution.....	42
restored to his law.....	87
Wills, attestation of.....	722
made outside the state, recording and probate of.....	497
Wire, Robert, restored to his law.....	346
Wolves, bounty on.....	309, 660
law in relation to killing.....	103
Writs, form of, in civil causes.....	672
Young, John, enabled to reenter an action.....	565
granted monopoly in building chimneys.....	790
restored to his law.....	131

# INDEX OF NAMES OF PERSONS, PLACES, ETC.

- Abbe, Gideon..... 345  
 Abbott, ———..... 554  
 Abiel.....249, 313, 742  
 Benjamin..... 812  
 Jacob.....90, 440, 451, 509  
 Acworth.....4, 63, 153, 313  
 424, 440, 509, 526, 738, 742, 831  
 Adams Island..... 193  
 Adams, Daniel.....751, 752  
 Ephraim.....3, 63  
 James..... 560  
 Joanna..... 344  
 Nathan..... 344  
 Samuel.....214, 394  
 Thomas.....751, 752  
 Webb..... 560  
 Akerman, Josiah..... 208  
 Aldrich, ———..... 214  
 George..... 394  
 Alexander, John.....510, 742  
 Alexandria.....5, 64  
 154, 250, 314, 425, 557, 558, 738  
 Allen, Abel.....514, 515  
 Amasa.....236, 237, 250  
 Aaron.....313, 441, 510, 742  
 Benjamin..... 32  
 Ebenezer.....514, 515  
 Ebenezer, Jr..... 514  
 John..... 2  
 Joseph..... 372  
 Molly..... 514  
 Samuel.....267, 268  
 Thankful..... 514  
 Allenstown.....312, 421, 439, 460, 461  
 Alstead.....4, 61  
 63, 151, 153, 248, 250, 311, 313, 424  
 439, 440, 472, 508, 509, 568, 569, 742  
 Ambrose, M..... 152  
 Ames, Jeremiah.....506, 510  
 Stephen.....135, 153  
 Amherst 3, 45, 46, 50, 62, 90, 97, 104, 125  
 150, 151, 153, 166, 169, 174, 175, 190  
 228, 248, 249, 261, 278, 312, 317, 318  
 353, 356, 357, 423, 439, 469, 481, 482  
 487, 494, 536, 538, 553, 554, 640, 641  
 734, 736, 738, 740, 741, 797, 811, 812  
 Ammonoosuc River.....136, 137, 164  
 165, 502, 503  
 Amory, John.....371, 372  
 Thomas.....371, 372  
 Andover.....313, 423, 548, 738, 767  
 Andover Gore..... 313  
 Andover, Mass..... 210  
 Antrim.....3, 62  
 153, 249, 313, 317, 318, 400, 423, 734  
 Apthorp.....4, 23, 24, 196  
 Apthorp, East..... 31  
 Archibald, Thomas..... 709  
 Ashburnham, Mass..... 514  
 Ashley, D..... 154  
 Oliver.....18, 22  
 Samuel, Jr..... 78  
 Ashton, Jacob..... 456  
 Ashuelot River.....343, 344, 474  
 Atherton, Joshua.....135, 136, 734, 736  
 Atkinson.....2, 61, 151, 248, 301, 302, 311  
 421, 439, 484, 508, 572, 729, 740, 805  
 Atkinson, ———..... 225  
 George.....1, 2, 16, 17, 59, 61, 62  
 151, 248, 315, 319  
 Theodore..... 315  
 William..... 316  
 Austin, Nicholas..... 312  
 Ayers, William..... 5  
 Babb, Peter, Jr..... 208  
 Badger, Joseph.....1, 3, 16, 36  
 152, 174, 249, 294, 509, 741  
 Joseph, Jr.....62, 312, 508, 740, 789  
 Bailey, Betty..... 370  
 Joshua.....248, 294  
 Philip.....426, 516  
 Samuel..... 113  
 Shubael..... 370  
 Baker, Moses.....5, 250, 294, 510  
 Otis.....61, 151  
 Baker's River..... 131  
 Balch, Benjamin..... 813  
 Isaac..... 756  
 Baldwin, Cyrus..... 440  
 Isaac..... 734  
 Joseph..... 209  
 Banks, James..... 212  
 Barker, Barnabas.....111, 112  
 Ebenezer..... 209  
 Ephraim.....317, 318, 400, 734  
 Isaac..... 209  
 Jesse..... 209  
 Jonathan..... 209  
 Richard..... 209  
 Stephen..... 210  
 Barnard, Moses.....61, 152, 248  
 Barnes, John..... 208  
 Barnstead.....3, 62, 104, 122-124  
 150, 152, 191, 295, 296, 312, 334, 360  
 422, 456, 738, 741  
 Barrell, Colburn..... 483  
 Barrett, Charles.....249, 313, 439  
 440, 451, 509, 741  
 Isaac.....43, 44

- Barrett, James ..... 561  
 Moses ..... 43, 44  
 Rebecca ..... 561, 562  
 Simeon ..... 43  
 Barrington, ..... 3, 32, 62, 89, 104  
 137, 138, 150, 152, 191, 364, 422, 440  
 509, 738, 740, 741  
 Barron, John ..... 446, 447  
 W. .... 153  
 Bartlett ..... 515, 516, 780  
 Bartlett, Jonathan ..... 399  
 Josiah ..... 16, 241, 508, 711, 714, 740  
 Richard ..... 62, 509  
 Thomas ..... 2, 61, 62, 65, 248  
 249, 311, 312, 322, 439, 440, 508, 509  
 Baswell, James ..... 440  
 Batchelder, Breed ..... 754, 755  
 David ..... 200  
 Nathan ..... 2, 62  
 Nathaniel ..... 756  
 Bates, Nathaniel ..... 486  
 Batey, Francis ..... 78  
 Bath ..... 4, 63, 154  
 239, 240, 314, 425, 441, 510, 525, 742  
 Beck, John, Jr. .... 208  
 Bedel, Moody ..... 521  
 Timothy ..... 5, 24, 521  
 Bedford ..... 3, 63, 153  
 167, 230, 231, 249, 261, 306, 312, 423  
 440, 471, 509, 734, 741  
 Beede, Daniel ..... 3, 152  
 334, 440, 509, 741  
 Belding, David ..... 313  
 Belknap, Ezekiel ..... 301  
 Jeremy ..... 59  
 Bell, John ..... 151  
 248, 310, 311, 439, 481, 482, 508, 511  
 Bellows, ———— 191  
 Benjamin ..... 1, 16, 52, 114, 709  
 John ..... 61, 151, 234-237, 248, 294  
 Thomas ..... 236, 237  
 Bellows Falls ..... 403  
 Bennett, Winthrop ..... 208  
 Berwick, Me. .... 235, 395, 841  
 Betton, James ..... 2, 152, 440, 741  
 Bingham, J. .... 742  
 Blair's Location ..... 780  
 Blake, Isaac ..... 520  
 Jonathan ..... 572-574  
 Joseph ..... 520  
 Blanchard, ———— 191  
 James ..... 212, 213, 248  
 Jonathan ..... 15  
 Joseph ..... 169, 311, 439, 508, 564, 734  
 Blaney, Joseph ..... 456  
 Blood, Ebenezer ..... 493  
 Francis ..... 90  
 Blunt, John ..... 737  
 Boscawen ..... 34, 62, 107, 149  
 153, 174, 215, 255, 312, 423, 440, 494  
 509, 558, 738, 741  
 Boston, Mass. .... 125, 455, 524, 543  
 Bow ..... 3, 53, 62  
 153, 313, 347, 348, 421, 684, 738, 786  
 Bowen, Mary ..... 496  
 Boyd, George ..... 547, 548  
 Boyd, Jane ..... 547, 548  
 Boynton, Asa ..... 239  
 Sarah ..... 492  
 William ..... 700  
 Brackett, James ..... 3, 62, 152, 711  
 Joshua ..... 711  
 Bradford ..... 280, 348, 349, 423  
 Bradford, Enos ..... 554  
 John ..... 209  
 William ..... 357, 554  
 Bradley, John ..... 151  
 Brainerd, Abijah ..... 299  
 Israel ..... 459  
 Brentwood ..... 2, 6  
 61, 65, 248, 421, 439, 740, 798, 812, 813  
 Brewster, Ebenezer ..... 163, 226, 284, 819  
 Bridgewater ..... 303, 314, 425  
 Brigden, Eng. .... 799  
 Bristol, Eng. .... 143, 513  
 Brooks, Nathan ..... 236, 237  
 Solomon ..... 236, 237  
 Brown, Benjamin, Jr. .... 811  
 Elisha ..... 152, 165, 312, 509  
 Jacob ..... 52, 800  
 Joel ..... 345  
 John ..... 314, 459, 460, 481  
 Joseph ..... 451  
 Paul ..... 65  
 Bryant, John ..... 62, 786  
 Bucknam, Edwards ..... 106, 137, 196  
 Bundy, Asahel ..... 52  
 Bunker Hill ..... 36  
 Burbank, Jacob ..... 517, 518  
 Burdoo, Silas ..... 112  
 Burnham, Abraham ..... 64, 510  
 Josiah ..... 572, 573  
 Burns, Abigail ..... 206  
 William ..... 206  
 Burnside, Thomas ..... 136, 137  
 Burrows, William, Jr. .... 574, 575  
 Burt, Joseph ..... 214, 394  
 Burton ..... 3, 152, 218, 249, 312, 426, 780  
 Butler, ———— 218  
 Caleb ..... 209  
 David ..... 209  
 Edward ..... 43, 340  
 Elizabeth ..... 43, 340  
 Jacob ..... 2, 62, 249, 312  
 Nehemiah ..... 209  
 Butterfield, James, Jr. .... 574, 575  
 Caldwell, Thomas ..... 358  
 Caldwell's Location ..... 780  
 Calfe, James ..... 3  
 John 1, 61, 151, 248, 311, 404, 495, 439  
 459, 482, 498, 511, 575, 729, 730, 740  
 Jonathan ..... 26  
 Cambridge ..... 425  
 Camfield, Samuel ..... 545, 546  
 Campbell, J. .... 440  
 Daniel ..... 469, 734  
 Campbell's Gore ..... 423, 487, 687  
 Campton ..... 5, 64, 154, 250  
 314, 425, 570, 772, 773  
 Canaan ..... 5, 63, 154, 250, 425, 525, 738



- Candia . . . . . 2, 61, 151, 248, 311  
     421, 490, 498, 575, 740  
 Canterbury . . . . . 2, 61, 149, 151, 421  
     439, 456, 508, 740, 766  
 Capron, Oliver . . . . . 4  
 Cardigan . . . . . 5, 63, 93, 94, 154  
     250, 425, 525  
 Carlton, Oliver . . . . . 356  
 Carr, James . . . . . 560, 741  
     Moses . . . . . 711  
 Casey, John . . . . . 552  
 Catsban Island . . . . . 223  
 Caverley, Charles . . . . . 208  
 Center Harbor . . . . . 738  
 Chadbourne, Benjamin . . . . . 50  
     Mark . . . . . 208  
     Thomas . . . . . 426  
 Chamberlain, Moses . . . . . 313, 441  
     Samuel . . . . . 334, 509  
     William . . . . . 741  
 Champney, Ebenezer . . . . . 166  
     Joseph . . . . . 547  
     Richard . . . . . 814  
 Chandler, Abiel . . . . . 347  
     Jesse . . . . . 817  
     John, Jr. . . . . 347  
     William . . . . . 345  
     Zachariah . . . . . 249  
 Chapin, Hiram . . . . . 215, 472  
     Sarah . . . . . 215, 472  
 Chapman, David . . . . . 395, 396  
     John . . . . . 102, 167  
     Joanna . . . . . 102, 167  
     Levi . . . . . 362  
 Charlestown . . . . . 1, 4, 45, 46, 50, 63, 97, 104  
     150, 153, 176, 190, 214, 224, 225, 248  
     250, 255, 266, 274, 288, 308, 313, 424  
     437, 439, 440, 470, 474, 509, 530, 538  
     574, 640, 641, 709, 738, 740, 767, 831  
 Chase, Dudley . . . . . 153  
     Jonathan . . . . . 288, 289, 313, 367, 415, 416  
     Moses . . . . . 1, 4, 61, 139  
     248, 250, 311, 427  
     Nehemiah . . . . . 166  
     Samuel . . . . . 554  
     Stephen . . . . . 478  
 Chatham . . . . . 425  
 Chauncy, Charles . . . . . 50  
 Chelmsford, Mass. . . . . 278  
 Chesley, Andrew . . . . . 359  
     J. . . . . 152  
     Samuel . . . . . 33  
 Chester . . . . . 2, 61, 150, 151, 190  
     248, 311, 421, 439, 508, 523, 738, 740  
 Chesterfield . . . . . 4, 153, 198  
     223, 250, 313, 424, 475, 509, 514, 742  
 Cheswell, Wentworth . . . . . 395, 396  
 Chichester . . . . . 2, 151  
     311, 421, 439, 456, 740, 766, 795, 796  
 Child, Ezra . . . . . 239  
     Jonathan . . . . . 5  
 Church, Jonathan . . . . . 33  
 Cilley, ——— . . . . . 191  
     Bradbury . . . . . 362, 363  
     Joseph . . . . . 508, 741  
 Clapp, Supply . . . . . 404, 405, 513, 547  
 Claremont . . . . . 4, 18, 22, 63, 77, 78  
     153, 224, 424, 439, 440, 508, 738, 740  
 Clark, Caleb . . . . . 93, 94  
     Daniel . . . . . 239  
     Jonathan . . . . . 295, 312, 334, 741  
     Joseph . . . . . 317, 318, 400  
     Peter . . . . . 509, 741  
     Thomas . . . . . 239  
     Zephaniah . . . . . 153  
 Clarkson, James . . . . . 48  
 Cleaves, Nathan . . . . . 734  
 Clement, Peter . . . . . 301, 729, 730  
 Clements, James . . . . . 153  
 Clifford, Ebenezer . . . . . 741  
 Clough, Benjamin . . . . . 312  
     Jeremiah . . . . . 2, 508  
     Reuben . . . . . 2  
 Coburn, Asa . . . . . 209  
     P. Merrill . . . . . 209  
 Cochran, Isaac . . . . . 734  
     James . . . . . 200, 564  
     John . . . . . 554  
     Thomas, Jr. . . . . 564  
 Cockburne . . . . . 4, 64, 314, 425  
 Cockermouth . . . . . 5, 64, 154, 250  
     314, 425, 525, 791  
 Cogswell, William . . . . . 711, 729, 730  
 Cohass . . . . . 295  
 Colburn, Nathan . . . . . 493  
 Colburne . . . . . 4, 64, 314, 425, 441  
 Cole, Ambrose . . . . . 560  
 Coleman, Zenas . . . . . 345  
 Colinet, Charles J. G. . . . . 307  
     Marie T. L. . . . . 307  
 Colker, Samuel . . . . . 31  
 Collins, Jonathan . . . . . 490  
 Conant, Ebenezer . . . . . 157  
 Concord . . . . . 1, 2, 6, 34, 39  
     58, 61, 86, 104, 149, 151, 155, 190, 217  
     248, 251, 311, 315, 329, 347, 348, 421  
     439, 442, 508, 511, 537, 539, 712, 738  
     740, 743, 766, 786, 789, 796, 803, 845  
 Concord (Lisbon) . . . . . 130, 154, 219  
     220, 503, 565, 790  
 Connecticut River . . . . . 18, 22, 34, 96, 104  
     106, 113-115, 136, 137, 139, 140, 144  
     164, 175, 200, 223-225, 259, 308, 338  
     339, 343, 354, 367, 368, 396, 402, 403  
     488, 548, 549, 767, 783, 788, 819, 839  
 Connor, Benjamin . . . . . 508, 741  
     Mary . . . . . 162  
 Contoocook River . . . . . 756, 829  
 Conway . . . . . 3, 150, 152, 196, 249  
     312, 351, 352, 422, 509, 741, 766, 780  
 Cook, Noah . . . . . 97, 98  
 Copeland, Jacob . . . . . 4, 63, 154, 204  
     250, 294, 313, 441  
 Copp, David . . . . . 3, 249, 440, 509  
 Corbin, Ebenezer . . . . . 831  
 Cornish . . . . . 1, 4, 61, 63, 139, 153, 248, 250  
     288, 289, 311, 313, 416, 424, 440, 509  
 Corser, David . . . . . 174  
     Samuel . . . . . 174, 498, 575  
 Cotton, Samuel . . . . . 208  
     Solomon . . . . . 208  
     Thomas . . . . . 200

- Coventry.....5, 154, 314, 425  
441, 572, 804, 805
- Cragin, Benjamin.....249, 313  
Francis.....4, 153, 509
- Craige, Alexander.....132, 776-778
- Cram, John.....2, 151  
Joseph.....350, 351, 438
- Crawford, Thomas.....250, 303  
441, 510, 742
- Cressy, Andrew.....756  
Dimon.....344
- Cross, Daniel.....130
- Crotched Mountain.....755, 829
- Croydon.....4, 63  
153, 250, 258, 313, 337, 424, 441, 555
- Cummings, Benjamin.....135, 136
- Ebenezer.....313
- Ephraim.....358  
John.....492, 493  
Samuel.....87, 88, 135, 136
- Cunier, William.....208
- Cunningham, Samuel.....153
- Currier, Ezra.....741  
Isaac.....827  
Martha.....827  
Sally.....827, 828
- Curtis, Elizabeth.....803, 804  
Jacob, Jr.....356  
Robert.....803, 804  
Samuel.....734
- Cutter, Ammi Ruhamah.....472, 711, 833
- Cutting, Jonas.....258
- Cutts, Samuel.....483
- Dakin, Amos.....249
- Dalton.....23, 63, 154, 314, 365, 366, 425
- Dalton, Tristram.....23
- Dame, T.....426  
Theodore.....510
- Dana, Samuel.....16, 734  
William.....338, 549
- Danforth, David.....734
- Daniels, Jacob.....33  
Samuel.....2, 152
- Danville, Vt.....459
- Darby, Jonathan.....446, 447  
Simeon.....446, 447
- Darling, Benjamin.....63, 313  
Benjamin B.....741
- Dartmouth.....4, 64, 314, 425
- Davenport, James.....208
- Davis, Edward.....371, 372  
Francis.....3  
Micah.....522  
Timothy.....209
- Day, Elisha.....299  
Sarah.....299
- Dearborn, Benjamin.....156, 232, 233  
Simeon.....152
- Deerfield.....2, 61  
152, 248, 311, 421, 440, 738, 740, 811
- Deering.....3, 62, 95, 153  
249, 313, 423, 797
- Dennett, Ephraim.....208
- Derryfield.....97, 423, 471, 766
- De Sausse, Adrian.....44
- De Sausse, Ilulia.....44  
Mary Esta.....44  
Peter.....44
- Dexter, Katherine.....278, 279  
Samuel.....278
- Dix, Nathan.....249
- Dodge, Jesse.....756  
Nathaniel H.....741
- Dole, Stephen.....153, 312, 440, 509, 734
- Dorchester.....5, 63, 154, 250  
314, 425, 441, 802
- Douglas, Samuel.....63
- Dover.....1, 3, 32, 33  
45, 46, 61, 62, 69, 104, 150-152, 162  
166, 191, 236, 249, 298, 305, 311, 312  
315, 327, 341, 359, 361, 364, 404, 422  
440, 454, 455, 508, 509, 522, 562, 640  
641, 650, 651, 738, 740, 741, 793, 842
- Dow, ————191  
Amos.....152  
Jeremiah.....312  
Job.....249  
Jonathan.....4, 63, 249, 310  
Joseph.....238, 249  
Moses.....1, 15, 16, 61, 84  
151, 154, 365, 427, 503, 510, 525, 740  
Percy.....167  
Thomas.....440
- Downing, John, Jr.....47
- Draper, William.....756
- Drew, John.....123, 124, 312  
Joseph.....162
- Drown, Benjamin.....208
- Dublin.....4, 63, 153, 313  
424, 441, 470, 486, 510, 738, 742, 766
- Dudley, John.....1, 404-406  
Samuel.....248
- Dummer.....425
- Dunbarton.....3, 60, 62, 153  
313, 423, 445, 481, 795
- Duncan, James.....313, 445, 446  
John.....3, 62, 153, 427, 440, 741, 801, 802  
Samuel.....296, 510, 742, 801, 802  
William.....726
- Dunklee, Joseph.....357, 553
- Dunstable.....3, 62  
150, 153, 212, 213, 249, 279, 423, 440
- Durham.....3, 45, 46, 61, 62, 69, 89, 133  
150, 152, 191, 248, 250, 295, 312, 341  
404, 422, 440, 455, 456, 509, 738, 830
- Durham Falls.....789
- Dustin, Caleb.....62
- Dutton, Jacob.....756  
John.....249
- Duxbury.....423
- Duxbury School Farm.....516
- Eager, George.....576
- Eames, Jeremiah.....136, 314  
427, 438, 441  
Luther.....212, 213
- East Kingston.....2, 44, 152, 312, 421, 490
- Eastman, Easter.....52  
Elizabeth.....52  
Jeremiah.....2, 412  
John.....2, 62, 440, 509, 741

- Eastman, Obadiah..... 805  
 Peter..... 52  
 Philip..... 52  
 Polly..... 52  
 Sybil..... 52  
 East Sudbury, Mass..... 234  
 Eaton, J. 3, 51, 152, 248, 312, 422, 766, 780  
 Eaton, John..... 734  
 Rachel..... 837  
 Timothy..... 837  
 Edes, Anna..... 492  
 Edgerly, Zebulon..... 362, 363  
 Edwards, John..... 345  
 Effingham..... 3, 51, 86, 87, 152  
 249, 312, 422, 501  
 Elkins, Jonathan..... 166  
 Elliot, Edmund..... 459, 460  
 Jonathan..... 152  
 Emerson, Daniel..... 3, 63, 153, 248  
 249, 294, 313, 440, 451, 509, 741, 756  
 David..... 565, 566  
 Nathaniel..... 2, 61, 151, 740  
 Samuel..... 16, 132  
 Emerson's Pond..... 112  
 Emery, Benjamin..... 347  
 Enfield, J. 5, 63, 154, 250, 426, 441, 510, 738  
 Epes, Francis..... 756  
 Epping..... 2, 29, 30, 41, 61, 65  
 152, 311, 362, 421, 499, 508, 740, 766  
 Epsom..... 1, 41, 61, 149  
 151, 312, 421, 439, 506, 558, 552, 796  
 Errol..... 426  
 Estabrooks, John..... 212, 213  
 Evans, Oliver..... 401, 402  
 Robert..... 32  
 Zur..... 475  
 Ewen, Alexander..... 774, 775  
 Exeter..... 1, 2, 6, 20, 45, 46, 61, 62  
 69, 86, 88, 104, 107, 108, 110, 143, 149-  
 152, 190, 193, 202, 211, 217, 231, 233  
 248, 249, 292, 294, 300, 311, 312, 328  
 334, 360, 362, 372, 421, 428, 429, 440  
 464, 483, 498, 504, 506, 508, 540, 543  
 548, 550, 552, 555, 558, 559, 563, 571-  
 573, 575, 640, 738, 741, 781, 792, 798  
 801, 803, 812, 813, 818, 827, 844, 845  
 Exeter River..... 132, 830  
 Fairbanks, Jonas..... 224  
 Fairlee, Vt..... 128, 176, 320  
 Fall Mountain..... 225  
 Falmouth, Mass..... 342  
 Farley, Benjamin..... 228  
 Farrar, Stephen..... 451, 452  
 Timothy..... 90  
 Farwell, Henry..... 492, 493  
 Isaac..... 161  
 Lydia..... 492  
 Oliver..... 353, 512  
 Faynke, Jedediah..... 250  
 Fernald, Humphrey..... 208  
 Randall..... 208  
 Fifteen Mile Falls..... 403  
 Fifield, Jonathan..... 174  
 Samuel..... 361, 362  
 Stephen..... 248, 311  
 Fisher, ———..... 816  
 John..... 129, 130, 543, 544, 787  
 Fishersfield..... 3, 62, 153  
 249, 281, 313, 423, 440, 766, 815, 816  
 Fisk, Cotton..... 65  
 Ebenezer..... 65  
 Ezekiel..... 65  
 Fitzwilliam..... 4, 63, 153, 250, 313  
 424, 436, 441, 461, 462, 510, 742, 751  
 Flanders, James..... 249, 313, 440, 509, 742  
 Fletcher, Robert..... 278, 734  
 Temperance..... 279  
 Flint, Amos..... 554  
 Flucker, Thomas..... 358  
 Fogg, Joseph..... 800  
 Seth..... 2  
 Follett, Samuel..... 485  
 Fort Dummer..... 175  
 Fort Point..... 686  
 Fort William and Mary..... 737  
 Folsom, Jeremiah..... 499, 500  
 John..... 335  
 Josiah..... 454, 455  
 Martha..... 334, 335  
 Nathaniel..... 49, 399  
 Peter..... 499  
 Samuel..... 49  
 Foss, Joshua..... 3, 62, 137  
 Richard..... 6  
 Samuel Dowse..... 238  
 Zachariah..... 571, 572  
 Foster, Abiel..... 15, 210, 740  
 Abner..... 209  
 Asa..... 151  
 James..... 209  
 Samuel..... 96  
 Fowler, William..... 305  
 Francestown..... 423, 569, 755, 829  
 Franconia..... 64, 154, 250, 426  
 Franklin, Jonathan..... 314, 441  
 Freeman, Edmund..... 154, 250  
 Jonathan..... 250, 314, 439, 508, 740, 742  
 Russell..... 5, 63  
 Freeze, George..... 342  
 Jonathan Chase..... 342, 343  
 Joseph..... 342  
 French, Benjamin..... 3, 62  
 Daniel..... 122, 123  
 Jonathan Collins..... 490  
 Joshua..... 490  
 Frink, Elijah..... 63, 313, 427, 440  
 Frost, George..... 478  
 Margaret..... 89  
 Fuller, Stephen..... 554  
 Furness, Robert..... 427  
 Gage, Abner..... 209  
 Amos..... 209  
 David..... 209  
 Jeremiah..... 209  
 Josiah..... 209  
 Peirce..... 209  
 Gains, George..... 2, 60, 62, 249  
 312, 440, 509, 814  
 Samuel..... 209  
 Gale, Amos..... 249



- Hanson, Maul . . . . . 32, 33  
 Hardy, Asa . . . . . 209  
     Dudley . . . . . 209  
     Edmund . . . . . 209  
     Eliphalet . . . . . 209  
 Harford, Stephen . . . . . 793, 794  
 Harper, William . . . . . 62, 741  
 Harriman, Jaasiel . . . . . 524, 525  
 Hart, James . . . . . 207  
     Mary . . . . . 48, 207  
     Thomas . . . . . 207  
 Hartshorne, David . . . . . 469  
     Sarah . . . . . 469  
     Timothy . . . . . 469  
 Hartwell, Ephraim . . . . . 451  
 Harvey, Ebenezer . . . . . 198  
     Matthew . . . . . 62  
 Haslet, James . . . . . 208  
 Hastings, Dier . . . . . 345  
 Haven, Nathaniel Appleton . . . . . 799  
 Haverhill . . . . . 1, 5, 45, 46, 61, 104, 127  
     130, 131, 149, 151, 154, 190, 219, 248  
     267, 314, 346, 354, 355, 367, 368, 397  
     426, 441, 445, 488, 495, 502, 503, 510  
     521, 565, 640, 641, 738, 740, 828, 829  
 Hawke . . . . . 2, 62, 152, 421, 741  
 Hayes, Benjamin . . . . . 364, 365  
     Daniel . . . . . 341  
     James . . . . . 364, 365  
     Thomas . . . . . 364, 365  
     Thomas, Jr. . . . . 364  
 Hazeltine, Moses . . . . . 450  
     Sarah . . . . . 450  
 Healey, Nathaniel . . . . . 249, 547, 548  
 Heath, Jonathan . . . . . 256  
 Heiner, John Henry . . . . . 455, 456  
 Henniker . . . . . 3, 63  
     153, 249, 311, 313, 370, 397, 398, 423  
     439, 440, 508, 509, 738, 740, 741, 797  
 Henzell, Charles . . . . . 193  
 Herbert, Jonathan . . . . . 239  
 Herrick, Joseph . . . . . 649  
 Hersey, James . . . . . 249, 440  
 Hervey, Solomon . . . . . 475  
 Hicks, Joseph . . . . . 359  
 Hill, Benjamin . . . . . 360  
     Elisha . . . . . 208  
     James . . . . . 2, 208  
     Jeremiah . . . . . 143, 208  
     Reuben . . . . . 133, 295, 334  
 Hilliard, Simeon . . . . . 311  
 Hillsboro . . . . . 3, 50, 63, 92  
     150, 153, 249, 313, 423, 440, 738  
 Hilton, Edward . . . . . 110  
 Hinsdale . . . . . 175, 343, 424  
 Hobart, Samuel . . . . . 211, 329, 812  
 Hobson, Jeremiah . . . . . 734  
 Hodgkins, Hezekiah . . . . . 492, 493  
 Hodgman, Josiah . . . . . 512  
 Hogg, John . . . . . 511  
     John, Jr. . . . . 481  
     Joseph . . . . . 470, 471  
     Samuel . . . . . 470, 471  
 Hoyt, (See Hoyt.)  
 Holden, John . . . . . 492  
     Sybil . . . . . 492  
 Holderness . . . . . 5, 63, 154, 314, 441, 510, 742  
 Holland, Stephen . . . . . 480, 569, 570  
 Hollis . . . . . 3, 42, 63, 87  
     108, 109, 135, 153, 219, 228, 248  
     249, 313, 423, 440, 451, 509, 741  
 Holmes, Lemuel . . . . . 4, 63  
     154, 282, 310, 441, 508, 510, 740, 742  
     Samuel . . . . . 250  
 Holt, ——— . . . . . 554  
 Hook, Moses . . . . . 152  
 Hopkinton . . . . . 3, 63, 153, 248  
     313, 423, 738, 741  
 Horn, Anna . . . . . 455, 456  
 Hough, David . . . . . 314, 441  
 Houston, Samuel . . . . . 756, 830  
 Howe, James . . . . . 741  
 Hoyt, Benjamin . . . . . 459, 460  
     Ebenezer . . . . . 63, 510, 742  
     Joseph . . . . . 107  
     Nathan . . . . . 312, 438, 440  
         468, 509, 741, 789  
     Peasley . . . . . 205  
 Hubbard, John . . . . . 153  
     225, 250, 439, 451, 709  
 Huckings, James . . . . . 412  
     John . . . . . 32  
     Joseph . . . . . 485  
 Hull, Stacy . . . . . 208  
 Humphreys, Daniel . . . . . 319, 320  
 Hunt, Samuel . . . . . 288, 709  
 Huntley, Nathan . . . . . 545  
     Rufus . . . . . 545  
 Hurd, J. . . . . 426  
     John . . . . . 524, 525, 543  
 Huse, Carr . . . . . 5  
 Hutchins, Joseph . . . . . 314  
     Joshua . . . . . 441  
 Hutchinson, Elisha . . . . . 357, 554  
     Solomon . . . . . 353, 354  
 Isle Hooksett Falls . . . . . 726  
 Isles of Shoals . . . . . 74, 766  
 Islington . . . . . 47  
 Israel's River . . . . . 304  
 Jackman, George . . . . . 62, 153, 312, 440  
 Jackson, Hall . . . . . 711  
     John . . . . . 711  
     Nathaniel, Jr. . . . . 208  
     Richard . . . . . 208  
 Jaffrey . . . . . 4, 63, 153, 214, 250, 274  
     313, 424, 470, 510, 551, 742, 751, 766  
 Jaffrey, George . . . . . 305  
 James, William . . . . . 513, 514  
 Jenks, Jeremiah . . . . . 153  
 Jenness, Richard . . . . . 311, 404, 405, 440, 504  
     Samuel . . . . . 2, 62, 152, 350  
     Simon . . . . . 404, 405, 478, 504  
     Thomas . . . . . 504  
 Jewett, Edward . . . . . 63, 297  
     James . . . . . 455  
     Jedadiah . . . . . 2  
 Johnson, Abner . . . . . 475  
     David . . . . . 209  
     Enoch . . . . . 397-399  
     Jesse . . . . . 154, 250

- Johnson, Jesse, Jr. . . . . 441  
 Silas . . . . . 123  
 William . . . . . 209  
 Johnston, Charles . . . . 16, 219, 220, 503  
 Jones, Samuel . . . . . 487
- Keane, John . . . . . 210  
 Kearsarge . . . . . 767  
 Kearsarge Gore . . . . . 55, 423  
 Keene . . . . . 4, 45, 46, 63, 104, 150, 153  
 190, 212, 213, 250, 266, 267, 281, 282  
 287, 311, 313, 343, 424, 441, 448, 454  
 510, 520, 530, 640, 641, 738, 742, 831  
 Kelly, John . . . . . 509, 741  
 Joseph . . . . . 125, 126  
 Moses . . . . . 734  
 Kemp, Jacob . . . . . 209  
 Kendall, Nathan, Jr. . . . 734  
 Samuel . . . . . 4, 63, 153  
 Kennison, Henry . . . . . 122, 123  
 Kensington . . . . . 2, 62, 88  
 152, 202, 421, 741, 811  
 Kezar, George . . . . . 21  
 Kidder, Jonas . . . . . 649  
 Reuben . . . . . 808  
 Kilkenney . . . . . 426  
 Kimball, Benjamin . . . . 234, 235  
 Joseph . . . . . 115, 153, 250, 510  
 537, 742, 783, 784  
 Reuben . . . . . 57, 796  
 Samuel . . . . . 63  
 King, ——— . . . . . 36  
 James P. . . . . 315  
 Samuel . . . . . 4, 198  
 William . . . . . 315, 316  
 Kingsbury, Absalom . . . . 153  
 Sanford . . . . . 78, 153, 439, 440  
 508, 709, 739, 740  
 Kingston . . . . . 2, 62, 88, 149, 152, 249  
 312, 421, 440, 509, 738, 741, 811, 818  
 Kinsman, Aaron . . . . . 174  
 Knight, Benjamin . . . . . 573  
 Moses . . . . . 573  
 Knowles, James . . . . . 3, 62, 152  
 Knox, Daniel . . . . . 741  
 Henry . . . . . 358
- Ladd, Eliphalet . . . . . 833  
 Lakeman, Aaron . . . . . 208  
 Lake Winnepesaukee . . . . 104  
 Lamprey River . . . . . 499  
 Lamson, Benjamin . . . . . 827, 828  
 Elizabeth . . . . . 202, 203  
 John . . . . . 202  
 Lancaster . . . . . 4, 64, 106  
 196, 304, 314, 329, 365, 426  
 Landaff . . . . . 63, 154, 314, 426, 503  
 Lane, Jesse . . . . . 313, 513  
 Lang, Mark . . . . . 238  
 Langdon . . . . . 224, 225, 425, 440, 457  
 Langdon, John . . . . . 1, 15, 50  
 61, 151, 152, 265, 273, 311, 436, 805  
 Mark . . . . . 496  
 Mary Bowen . . . . . 496  
 Woodbury . . . . . 1, 66, 536-539, 737, 845  
 Larned, Abel . . . . . 126
- Larned, David . . . . . 126  
 Lawrence, Oliver . . . . . 135, 136  
 Layton, John . . . . . 32, 33  
 Leach, William . . . . . 481  
 Leavitt, Carr . . . . . 86, 87  
 John . . . . . 86, 87  
 Leavitt, Jonathan . . . . . 2  
 Moses . . . . . 2, 62, 152, 312, 350, 351, 741  
 Samuel . . . . . 351  
 Thomas . . . . . 342, 375, 376, 446, 524  
 Lebanon . . . . . 5, 64, 113, 115  
 154, 226, 250, 314, 338, 426, 441, 510  
 548, 549, 738, 742  
 Lee . . . . . 3, 62, 133  
 152, 295, 334, 422, 485, 509  
 Lempster . . . . . 4, 50, 63  
 153, 299, 313, 425, 474, 738, 815-817  
 Lewis, Moses . . . . . 756  
 Thomas . . . . . 213  
 Libby, Jeremiah . . . . . 496, 814, 815  
 Reuben . . . . . 62  
 Lincoln . . . . . 64, 154, 250, 426  
 Lisbon (Concord, Gunthwaite) . . 4, 63  
 130, 154, 196, 219, 220, 314, 426, 503  
 565, 790  
 Litchfield . . . . . 150, 371, 423, 738, 766  
 Little, Francis . . . . . 19  
 Sarah . . . . . 19  
 Little Harbor . . . . . 477  
 Little Harbor River . . . . . 773  
 Littleton . . . . . 24, 63, 196, 314, 365, 366, 426  
 Livermore, ——— . . . . . 845  
 Daniel . . . . . 726  
 Edward S. . . . . 537  
 Samuel . . . . . 16  
 Livius, Peter . . . . . 66  
 London, Eng. . . . . 31, 543, 571  
 Londonderry . . . . . 2, 62, 102, 150-152  
 167, 168, 190, 248, 249, 311, 312, 336  
 344, 421, 439, 440, 459, 481, 506, 508  
 509, 526, 567, 569, 729, 738, 741  
 Long, Peirce . . . . . 311  
 Lord, Gershom . . . . . 298  
 Loring, Daniel . . . . . 234  
 Loudon . . . . . 2, 62, 312, 421, 509, 741, 766  
 Lovell, N. . . . . 153, 249  
 Lowd, Thomas . . . . . 208  
 Lunt, Charity . . . . . 96  
 Lyman . . . . . 4, 63, 154, 314, 426, 543, 660  
 Lyme . . . . . 5, 26, 64, 96, 154, 163  
 250, 314, 426, 441, 563, 738, 742, 819  
 Lyndeborough . . . . . 3, 63, 153, 249, 313, 424  
 440, 509, 649, 741, 755-757, 829, 830  
 Lyndeborough Addition . . . . 756, 829  
 Lyndeborough Gore . . . . . 757  
 Lyndeborough Slip . . . . . 756, 757, 829
- McAllister, Jerusha . . . . . 306  
 William . . . . . 306  
 McClary, Elizabeth . . . . . 552  
 John . . . . . 1, 16, 61, 151  
 Michael . . . . . 439, 508  
 McClintock, ——— . . . . . 15  
 McClure, James . . . . . 96  
 McConnell, Samuel . . . . . 440  
 McDuffee, John . . . . . 151, 196, 241, 439

- McGaw, Jacob . . . . . 734  
 McGregor, David . . . . . 526  
   James . . . . . 294, 440  
     464, 509, 526, 527, 729, 730, 739, 741  
   Robert . . . . . 3, 16, 57  
     62, 427, 481, 482, 511, 741  
 McKean, James . . . . . 489  
   John . . . . . 200  
 McMillan, Andrew . . . . . 152, 196, 347  
     427, 509, 516, 741  
   Archibald . . . . . 36  
 McMillan's Location . . . . . 515  
 McMurphy, Archibald . . . . . 2, 36, 62  
     152, 241, 312, 322  
 McNeil, John Caldwell . . . . . 318, 400, 401  
 McNeil's Location . . . . . 780  
 Mack, Silas . . . . . 153  
 Macklin, Robert . . . . . 6  
 Madbury . . . . . 32, 33, 359, 360, 422  
 Maloney, Richard . . . . . 20  
 Mann, Benjamin . . . . . 4  
   John . . . . . 819  
 Mansfield, Conn. . . . . 345  
 Mansfield, Samuel . . . . . 370  
 March, Clement . . . . . 289, 312, 367, 415, 416  
   George . . . . . 345  
   John . . . . . 208  
   Jonas . . . . . 208  
   Nathaniel . . . . . 208  
   Stephen . . . . . 167, 289, 367, 415, 416, 478  
 Marden, Benjamin . . . . . 238  
 Marlborough . . . . . 4, 63, 250, 297  
     313, 425, 436, 738  
 Marlow . . . . . 4, 63, 153, 287  
     313, 425, 545  
 Marsh, Samuel . . . . . 3, 63, 153, 567  
   Zebulon . . . . . 110  
 Marshall, Jesse . . . . . 353  
 Marston, Winthrop . . . . . 411, 412  
 Martin, James . . . . . 3, 63, 741  
   Thomas . . . . . 20, 226, 805  
 Martin's Location . . . . . 780  
 Mascoma River . . . . . 113  
 Mason . . . . . 4, 63, 249, 313  
     424, 440, 492, 493  
 Mason, John . . . . . 241  
   John Tufton . . . . . 799  
   Jonathan . . . . . 96  
   Mary Tufton . . . . . 799  
 May, Zebulon . . . . . 209  
 Means, Robert . . . . . 3, 62, 151, 153  
     248, 439, 734, 740  
 Melcher, John . . . . . 208  
   Nathaniel . . . . . 208  
 Meloon, Enoch . . . . . 208  
 Meredith . . . . . 1, 24, 34, 150, 191  
     248, 311, 422, 439  
     508, 738, 741, 812  
 Merrill, Giles . . . . . 729, 730  
   Joseph . . . . . 2, 152  
   Nathaniel . . . . . 365  
   Phineas . . . . . 209  
 Merrimack . . . . . 1, 3, 42, 61, 63, 96  
     151, 153, 190, 249, 313, 371  
     424, 509, 512, 734  
 Merrimack River . . . . . 53, 57, 58, 186  
     187, 200, 206, 255, 256  
     412-415, 484, 527-529  
     684, 726, 766, 786, 839  
 Meserve, George . . . . . 447, 513, 514  
   Nathaniel . . . . . 360, 361  
 Middleton . . . . . 3, 152, 162, 249, 312, 422, 775  
 Mile Slip . . . . . 228  
 Miller, Nicholas . . . . . 208  
 Millsfield . . . . . 426  
 Moffatt, John . . . . . 159  
   Lucy T. . . . . 159  
   Robert Cutts . . . . . 159  
   Samuel . . . . . 513  
   Sarah Catherine . . . . . 159  
   Thomas Philip . . . . . 159  
 Mooney, Hercules . . . . . 154, 441  
 Moore, James . . . . . 576  
 Moores, Jonathan . . . . . 492  
   Joseph . . . . . 492  
   Sybil . . . . . 492  
 Morestown, N. Y. . . . . 446  
 Morey, Israel . . . . . 128, 129, 320  
     321, 417, 418  
 Morrill, Ezekiel . . . . . 65  
   Levi . . . . . 2, 61  
   Robert . . . . . 261  
 Morristown . . . . . 5  
 Morse, Reuben . . . . . 4, 313, 510  
 Moses, Thomas . . . . . 208  
   William . . . . . 208  
 Moulton, ——— . . . . . 191  
   Jonathan . . . . . 26, 49, 128, 129, 307  
     342, 343, 350, 351, 372  
     375, 376, 411, 412, 417  
     418, 446, 447, 464, 524  
   Sarah . . . . . 342, 350, 351, 375  
     376, 446, 524  
   William Pitt . . . . . 560  
 Moultonborough . . . . . 3, 49-51, 62, 150  
     152, 191, 312, 422, 440  
     468, 509, 523, 741, 782  
 Mudgell, Joseph . . . . . 412  
 Mulliken, Joseph . . . . . 467  
 Murch, James . . . . . 576, 577  
 Neal, John . . . . . 336, 464, 569, 570  
   Mary . . . . . 336, 569  
 Nesmith, John . . . . . 567  
 Nevins, John . . . . . 209  
 New Boston . . . . . 243, 249, 313, 318  
     357, 424, 554, 564, 738  
 New Bradford . . . . . 280  
 Newburyport, Mass. . . . . 366, 813  
 Newcastle . . . . . 2, 59, 89, 238, 421, 477  
     478, 685, 737, 773, 807, 808  
 Newcastle, Del. . . . . 401  
 New Chester . . . . . 5, 64, 154, 250, 303  
     314, 426, 441, 510  
     540, 565, 738, 742  
 Newcomb, Daniel . . . . . 16  
 New Durham . . . . . 3, 62, 143, 152, 312  
     422, 491, 741, 775  
 New Durham Gore . . . . . 3, 62, 312, 423  
     640, 641, 650, 651, 843  
 Newfields . . . . . 132

- Newfound Pond..... 303  
 Newfound River..... 303  
 New Grantham.....296, 297, 425  
     742, 767, 801  
 New Hampton.....205, 330, 342  
     412, 423, 779  
 New Haven, Conn..... 52  
 New Holderness.....426, 570, 766  
 Newington.....2, 62, 124, 421  
 New Ipswich.....3, 63, 97, 153, 161  
     249, 313, 424, 439, 440  
     451, 509, 551, 574, 741  
 New London.....55, 313, 424, 546  
     547, 555, 766, 767  
 Newmarket.....2, 69, 110, 132, 133, 149  
     150, 191, 249, 301, 312, 395  
     421, 439, 499, 508, 552  
     738, 740, 766, 789, 830  
 Newport.....4, 63, 153, 250, 313, 425  
     441, 510, 571, 738, 815, 816  
 Newton.....421  
 Newton, Obadiah.....258  
 Nichols, James.....812, 813  
 Norris, Benjamin.....742  
 Northfield.....2, 61, 149, 151, 256  
     421, 439, 741, 766, 794  
 North Hampton.....2, 62, 152  
     312, 421, 741  
 Northumberland.....4, 64, 106, 137  
     314, 426, 510  
 Northwood.....295, 296, 312, 334  
     421, 439, 741, 766  
 Nottingham.....2, 62, 65, 104, 149, 152, 166  
     190, 249, 312, 359, 362, 421  
     440, 508, 509, 738, 741, 766  
 Nottingham West.....3, 43, 44, 63, 125  
     153, 206, 313, 358, 424, 561, 766  
 Noyes, Benjamin.....684, 685  
     Ebenezer.....397  
     Enoch.....64, 726  
     Moses.....805  
 Odiorne, Thomas.....20, 108, 123, 226  
 Odlin, Charlotte.....798  
     Dudley.....249, 312, 320  
     324, 355, 356, 440  
     John.....798  
     Mary Ann.....798  
     Woodbridge.....798  
 Olcott, Buckley.....709  
     Simeon.....1, 16, 224, 234, 235, 709  
     Timothy.....488  
 Oliverian Brook.....368  
 One Mile Slip.....516  
 Orange.....525, 526, 544, 559  
 Ordway, Tristram.....756  
 Orford.....5, 64, 96, 128, 149, 154  
     250, 311, 314, 426, 446  
     447, 510, 738, 742, 822  
 Ormsbee, Ichabod.....176  
 Orr, Hugh.....249  
     John.....480, 481  
 Osgood, Kendall.....711  
 Ossipee.....51, 62, 150, 152, 411  
     423, 738, 799, 800  
 Ossipee Gore.....3, 51, 191  
 Ossipee Pond.....51  
 Ossipee River.....51  
 Packer, Thomas.....448, 454  
 Packersfield.....4, 63, 109, 153, 212, 213  
     250, 281, 282, 287, 313  
     425, 441, 541, 542, 766  
 Packer's Quarter.....282  
 Page, ————.....845  
     Amos.....811  
     Benjamin.....711, 740  
     David.....3, 249, 312, 351, 352, 427  
     Ebenezer.....301, 302  
     Jeremiah.....16  
     John.....301  
     Mehitabel.....301, 302  
     Thomas.....62, 741  
     Timothy.....301  
     William.....153, 313, 440, 509  
         537, 709, 711, 740  
 Palmer, Barnabas.....312, 440, 509  
 Parker, Abel.....250, 313, 742  
     John.....20, 226, 230  
     Joseph.....161  
     Obadiah.....313, 509  
     William.....88, 513, 711, 781, 844  
 Parkhurst, John.....93  
 Parsons, Benjamin.....288  
 Patterson, Isaac.....314  
     Thomas.....756  
 Payne, Elisha.....5, 16, 64, 107, 151  
     226, 248, 284, 510, 526, 537, 742  
 Payson, Seth.....451  
 Peabody, Nathaniel.....1, 2, 36, 61, 190  
     210, 248, 294, 311, 439, 508  
     711, 729, 730, 731, 740, 805  
     Oliver.....508  
     Stephen.....729, 730  
     Thomas.....812, 813  
     William, Jr.....249, 312  
 Pearson, Joseph.....56, 151, 220, 248  
     311, 324, 439, 508, 740  
 Peeling.....426  
 Peirce, Benjamin.....440  
     Deborah.....492  
     Edward John.....783  
     George.....492, 493  
     John.....129, 543, 783, 787  
     John, 3d.....783  
     Joseph.....312  
     Peter.....480, 483  
 Pelham.....2, 62, 123, 152, 209  
     210, 249, 312, 421, 509  
 Pembroke.....2, 53, 62, 152, 188, 421  
     440, 509, 738, 741, 786  
 Penigewasset River.....303, 766, 767  
 Penhallow, Samuel.....16, 472, 530  
 Penniman, Thomas.....510, 537, 742  
     808, 809, 816  
 Pepperell, Mass.....274, 451  
 Pepperell, Andrew.....342  
 Percy.....64, 314, 426  
 Perkins, Abraham.....29, 30  
     James Lindsay.....794, 795  
 Perley, ————.....165  
 Perrystown.....3



- Person, Stephen . . . . . 209  
 Peterborough . . . . . 4, 63, 90, 91, 153, 249  
     369, 424, 440, 509, 551  
     738, 741, 755-757, 829  
 Peterborough Slip . . . . . 4, 153, 249, 313  
     406, 424, 462, 463  
 Peters, Abraham . . . . . 154  
 Pettingill, Matthew . . . . . 4  
 Phelps, ——— . . . . . 327  
     Edward . . . . . 492  
     Levi . . . . . 492  
     Martha . . . . . 492  
     Peter . . . . . 492  
 Philadelphia, Pa. . . . . 97, 264, 265, 273  
 Philbrick, Joseph . . . . . 837  
 Phillips, John . . . . . 571, 572, 774, 775  
 Pickering, Ephraim . . . . . 2, 62, 237  
     John . . . . . 2, 7, 36, 62, 152, 249, 265  
     273, 294, 311, 439, 805, 806  
     John, Jr. . . . . 124, 125  
     Valentine . . . . . 124  
 Pierce, Daniel . . . . . 513  
 Piermont . . . . . 5, 128, 154, 239, 259  
     314, 339, 354, 426, 441  
     494, 495, 510, 738, 742  
 Pike, Benjamin, Jr. . . . . 357, 554  
 Pillsbury, Samuel . . . . . 102, 167, 168  
 Pinkerton, John . . . . . 249  
 Pinkham, Abijah . . . . . 89  
     Thomas . . . . . 89  
 Piscataqua Harbor . . . . . 73, 74, 80  
 Piscataqua River . . . . . 349, 686, 766  
 Pittsfield . . . . . 2, 154, 295, 296  
     311, 421, 439, 766  
 Plainfield . . . . . 63, 115, 153, 250, 425  
     510, 742, 767, 783, 801  
 Plaisted, Elisha . . . . . 208  
     George . . . . . 208  
     William . . . . . 208  
 Plaistow . . . . . 2, 61, 149-151, 248  
     311, 421, 439, 729, 738  
 Plummer, John . . . . . 16  
     William . . . . . 311, 508, 740  
 Plymouth . . . . . 5, 45, 46, 61, 64  
     104, 131, 132, 149, 154, 190, 218, 248  
     250, 266, 267, 303, 311, 314, 426, 441  
     467, 495, 510, 524-526, 536, 538, 566  
     573, 640, 641, 738, 742, 778, 828, 829  
 Pollock, Charlotte . . . . . 517  
 Poor, Daniel . . . . . 334, 335  
     John . . . . . 334-336  
     Jonathan . . . . . 301  
 Poplin . . . . . 2, 421  
 Portsmouth . . . . . 1, 2, 11, 18-20  
     26, 31, 43, 45-48, 59-62, 65  
     66, 69, 88, 89, 104, 106, 110, 124  
     127-129, 141-143, 149-152, 155, 156  
     190, 191, 193, 201-203, 207, 208, 210  
     232, 236-239, 245, 248, 249, 289, 292  
     295, 305, 311, 312, 319, 340, 361-363  
     367, 372, 395, 417, 418, 421, 430, 435  
     439, 440, 447, 466, 472, 473, 478, 496  
     499, 506, 509, 513, 514, 523, 530, 543  
     547, 548, 552, 571, 572, 576, 640, 641  
     700, 708, 737, 738, 740, 758, 762, 763  
     773, 774, 782, 783, 787, 794, 796, 799  
     803, 805, 806, 814, 818, 834, 841, 842  
 Powers, Stephen . . . . . 4, 63, 250  
     William . . . . . 314  
 Prentice, Henry . . . . . 123  
     John . . . . . 62, 84, 249  
     Nathaniel S. . . . . 250  
 Presbury, William . . . . . 281  
 Prescott, Benjamin . . . . . 510  
     Elisha . . . . . 41  
     Henry . . . . . 478  
     Jeremiah . . . . . 41  
     Jesse . . . . . 811  
     Oliver . . . . . 279  
 Presson, William . . . . . 776-778  
 Preston, John . . . . . 153  
     Sarah . . . . . 483  
 Prince, James . . . . . 700  
 Pringell, Mary . . . . . 649  
     Thomas . . . . . 649, 650  
 Protectworth . . . . . 55, 425, 510, 531  
     746, 767, 801  
 Putnam, Ephraim . . . . . 649  
     Philip . . . . . 4, 63, 153  
 Putney, Vt. . . . . 140, 144  
 Quechee Falls . . . . . 403  
 Quigley, John . . . . . 569, 570  
 Quimby, John . . . . . 498  
 Raby . . . . . 4, 63, 108, 109, 228, 249  
     274, 313, 424, 440, 509  
 Ragged Neck . . . . . 74  
 Rand, Daniel . . . . . 327, 436, 441, 510, 742  
     Nehemiah . . . . . 249, 313, 440  
     Samuel . . . . . 238  
 Randall, A. . . . . 154  
     Samuel . . . . . 562  
 Ray, James . . . . . 356  
 Raymond . . . . . 2, 421, 741  
 Read, Silvanus . . . . . 394, 395  
     William . . . . . 371, 734  
 Redding, John . . . . . 208  
 Reed, James . . . . . 149  
     Jonathan . . . . . 313, 481  
     Mary . . . . . 492  
     Micah . . . . . 140  
 Reid, ——— . . . . . 191  
     James . . . . . 435  
     Jotham . . . . . 756  
     Luther . . . . . 208  
 Reeve, Andrew . . . . . 143  
     William . . . . . 143  
 Richardson, Bradbury . . . . . 3  
     Ebenezer . . . . . 209  
     Jonas . . . . . 209  
     Josiah . . . . . 311, 313, 441  
     Samuel . . . . . 209  
     Silas . . . . . 475  
 Richmond . . . . . 4, 63, 153, 250  
     313, 425, 441, 509  
 Rindge . . . . . 63, 111, 297, 425, 441, 451  
     509, 542, 543, 551, 742, 766, 767  
 Rindge, Daniel . . . . . 309, 805  
 Roach, Elizabeth . . . . . 169  
     John . . . . . 169  
 Robbins, Solomon . . . . . 144  
 Roberts, Joseph . . . . . 650  
     Nathan . . . . . 562

- Robertson, James . . . . . 53, 786  
 Robinson, Abraham . . . . . 314  
 Robinson, Asa . . . . . 188, 189  
   Ephraim . . . . . 56, 152, 211, 324, 355, 356  
   Jonathan . . . . . 350, 351  
   Mary . . . . . 188, 189  
   Peter . . . . . 188, 189  
 Roby, James . . . . . 734  
 Rochester . . . . . 3, 62, 150-152, 191, 196  
   341, 423, 439, 440, 454  
   455, 509, 738, 741, 793  
 Rockwood, Ebenezer . . . . . 711  
 Rogers, Charles . . . . . 427  
   John . . . . . 711  
   Nathaniel . . . . . 249, 301, 312  
   349, 508, 740  
   Robert . . . . . 169  
 Rolfe, Paul . . . . . 6  
 Rollins, Ichabod . . . . . 439, 440  
   John . . . . . 152, 249  
 Ross, John . . . . . 47  
   Sarah . . . . . 47, 48  
 Rowell, William . . . . . 361  
 Royce, Vezy . . . . . 426, 516  
 Rumford (Concord) . . . . . 347, 348  
 Rumney . . . . . 5, 64, 132, 154, 250  
   314, 426, 441, 776  
 Runnells, Daniel . . . . . 2, 152, 312  
 Rutland, Vt. . . . . 811  
 Rye . . . . . 2, 59, 62, 74, 152  
   238, 421, 478, 504, 807  
 Rymes, Samuel . . . . . 208  
 Rynes, Joseph . . . . . 32, 33  
 Salem . . . . . 2, 62, 150, 152, 218  
   293, 294, 312, 422, 440  
 Salem, Mass. . . . . 456  
 Salisbury . . . . . 4, 61, 63, 151, 256  
   311, 434, 508, 738, 741  
 Sample, Samuel . . . . . 481  
 Sanborn, Abner . . . . . 62  
   John . . . . . 3  
   John Quinby . . . . . 575  
   Josiah . . . . . 776-778  
 Sanbornton . . . . . 3, 62, 249, 423, 440, 741  
 Sanders, Oliver . . . . . 489  
 Sandown . . . . . 2, 62, 152, 422  
 Sandwich . . . . . 3, 49, 50, 62, 152, 312  
   423, 440, 509, 570, 738, 741, 766  
 Sanger, Jedediah . . . . . 214, 394  
 Sargent, Daniel . . . . . 371, 372  
 Saunders, James . . . . . 218  
 Savory, Richard . . . . . 208  
 Scott, Robert . . . . . 801, 802  
 Scribner, John . . . . . 2  
 Seabrook . . . . . 2, 28, 62, 152, 165  
   166, 312, 422, 837  
 Seavey, James . . . . . 504  
   Mark . . . . . 208  
 Senter, Joseph . . . . . 5  
 Shannon, Thomas . . . . . 455, 793, 794  
 Sharon . . . . . 551, 742  
 Shattuck, Abel . . . . . 274, 275  
   Hannah . . . . . 274, 275  
   John . . . . . 274  
 Shaw, Moses . . . . . 2, 62, 152  
 Sheafe, Jacob . . . . . 833  
   James . . . . . 312, 440, 447, 448, 513, 740  
   Shelburne . . . . . 426  
   Thomas . . . . . 340  
 Shepard, Amos . . . . . 4, 61, 63, 151  
   248, 311, 439, 508  
   John . . . . . 734  
   Oliver . . . . . 313, 440, 509, 742  
 Sherburne, ——— . . . . . 238  
   Daniel . . . . . 236, 841  
   John . . . . . 208, 235, 466, 509, 841, 842  
   John Samuel . . . . . 466, 507, 833  
   Jonathan . . . . . 530  
   Samuel . . . . . 235, 236, 399  
   426, 466, 841, 842  
   Sarah . . . . . 530  
 Sherwin, Joshua . . . . . 488  
 Sias, Benjamin . . . . . 439  
 Silsby, Samuel . . . . . 831  
 Simonds, Jonathan . . . . . 298  
 Simpson, Ann Frost . . . . . 817  
   Rachel . . . . . 817  
   Martha . . . . . 817  
   Thomas . . . . . 817  
   William . . . . . 64, 250, 294, 311, 314, 742  
 Sinclair, Richard . . . . . 295, 334  
 Six Mile River . . . . . 51  
 Skinner, Joseph . . . . . 154  
 Slade, Samuel . . . . . 345  
 Smart's Creek . . . . . 499  
 Smiley, William . . . . . 4  
 Smith, ——— . . . . . 845  
   Ebenezer . . . . . I, 3, 16, 34, 63, 248, 294  
   310, 311, 427, 438-440, 508, 509, 741  
   Edward . . . . . 125, 126  
   Eleanor . . . . . 341  
   Jabez . . . . . 439, 740  
   James . . . . . 341  
   Jeremiah . . . . . 313, 440, 507, 509, 551  
   Jesse . . . . . 209  
   John . . . . . 90, 91, 741  
   Jonathan . . . . . 318, 741  
   Jonathan, Jr. . . . . 734  
   M. . . . . 153  
   Moses . . . . . 250, 313, 475, 509, 742, 797  
   Richard . . . . . 165, 166  
   Robert . . . . . 107, 480, 569  
   Winthrop . . . . . 411, 412  
 Society Land . . . . . 4, 63, 153, 249, 313  
   424, 504, 755, 757, 829  
 Somersby, William . . . . . 208  
 Somersworth . . . . . 3, 62, 69, 152, 235, 249  
   312, 423, 439, 440, 560, 562, 741, 841  
 Soucook River . . . . . 53  
 South Hampton . . . . . 2, 152, 312  
   422, 509, 741  
 Sparhawk, Andrew Pepperell . . . . . 342, 343  
   George . . . . . 711  
   George King . . . . . 319, 320  
   John . . . . . 152, 248  
 Spaulding, Henry . . . . . 357, 554  
   Levi . . . . . 3, 63, 153  
   Lot . . . . . 209  
   Samuel . . . . . 353, 354  
 Spencer, Mass. . . . . 258  
 Stark, Archibald . . . . . 422, 780

- Stark, John ..... 57, 97, 98  
     Samuel ..... 422, 780  
     William ..... 426, 445, 516  
 Stark's Location ..... 515, 516, 780  
 Stearns, Daniel ..... 353, 512  
 Steele, Jonathan ..... 522  
 Sterling, Hugh ..... 422  
 Sterling's Location ..... 780  
 Stevens, John ..... 210  
     Parker ..... 354, 355  
 Stewart, David ..... 734  
 Stewartstown ..... 396  
 Stickney, Thomas ..... 334, 347  
 Stiles, Jeremiah ..... 153, 234, 235, 448  
     John ..... 454, 510, 537, 742  
 Stilson, James ..... 143, 144  
 Stinson, John ..... 60  
 Stoddard ..... 4, 63, 154, 204, 205, 250  
     281, 282, 313, 425, 441, 510, 742, 766  
 Stone, Abner ..... 441, 510, 742  
     Benjamin ..... 729, 730  
     Peter ..... 475  
     Uriah ..... 259  
 Storey, David ..... 3, 313  
 Storrs, Aaron ..... 154  
 Stow-Ranney, Thomas ..... 29  
 Stratford ..... 4, 64, 314, 426  
 Stratham ..... 2, 122, 132, 133, 150  
     152, 312, 422, 741, 830  
 Strong, Alexander ..... 822  
 Stroud, Abigail ..... 486  
 Stuart, Samuel ..... 481  
 Success ..... 426  
 Sudbury, Mass. .... 234  
 Sugar River ..... 18, 77  
 Sullivan ..... 281, 282, 313, 425  
     441, 514, 535, 539  
 Sullivan, George ..... 522  
     James ..... 522, 817, 818  
     John ..... 16, 61, 62, 84, 85, 151, 248  
     309, 312, 399, 400, 438, 439, 522, 523  
     John, Jr. .... 522  
     Martha ..... 817, 818  
 Sumner, Benjamin ..... 4, 18, 19, 63  
 Sunapee Lake ..... 555, 556  
 Suncook River ..... 684  
 Surry ..... 4, 63, 154, 215, 250, 313, 317  
     425, 441, 472, 508, 510, 740, 742  
 Sutton ..... 62, 153, 280, 281  
     313, 352, 353, 424  
 Swain, James ..... 395  
 Swallow Stream ..... 275  
 Swanzey ..... 4, 63, 154, 250, 288  
     313, 343, 425, 510, 742  
 Swett, Josiah ..... 487  
  
 Taggart, John ..... 282  
 Tallant, Hugh ..... 123, 124  
 Tamworth ..... 3, 49-51, 62, 104, 150  
     152, 191, 312, 423, 458, 738, 766, 780  
 Tarbell, Samuel ..... 492  
     Samuel, Jr. .... 492, 493  
 Tarlton, William ..... 441, 510, 742  
 Tash, Thomas ..... 3, 62, 741  
 Tasker, John ..... 741  
  
 Taylor, Ebenezer ..... 734  
     Eldad ..... 345  
     Isaiah ..... 486  
 Taylor, John ..... 740  
     Timothy ..... 63, 249, 313, 509, 734  
     William ..... 345, 488  
 Tayntor, Jedadiah ..... 313  
 Temple ..... 1, 4, 153, 249, 313, 369  
     424, 509, 551, 738, 756, 825  
 Temple, Archelaus ..... 441, 510, 742  
 Tenney, Daniel ..... 209  
     Paul ..... 209  
     Samuel ..... 171, 221, 222, 711, 781, 844  
 Thetford, Vt. .... 96  
 Thing, Anna ..... 563  
     Daniel ..... 107  
     Samuel ..... 563, 564  
 Thom, Isaac ..... 711  
 Thomlinson, John ..... 31  
 Thompson, Ebenezer ..... 1, 61, 152  
     248, 294, 404  
     Ebenezer, Jr. .... 321  
     Samuel ..... 217  
 Thornton ..... 5, 64, 154, 250, 314  
     426, 459, 768, 769  
 Thornton, Matthew ..... 1, 16, 60, 61  
     149, 151, 459, 460  
 Thurston, Benjamin ..... 361, 362  
     Elizabeth ..... 812, 813  
     James ..... 812, 813  
     James, Jr. .... 812, 813  
     Robert ..... 740  
 Tibbetts, Jeremiah ..... 32, 33  
 Tiffany, Gideon ..... 488  
 Tilden, Joseph ..... 548, 549  
 Tillotson, Daniel, Jr. .... 822  
 Tilton, Jonathan ..... 88, 89, 202  
     Philip ..... 811  
 Tolford, Joshua ..... 154  
 Toppan, Christopher ..... 2, 62, 151, 152  
     311, 399, 404, 405, 439, 508, 509, 740  
 Torr, Andrew ..... 440  
 Torrey, Ebenezer ..... 126, 127  
     William ..... 513  
 Towne, Israel ..... 287  
     Samuel G. .... 734  
 Townsend, George ..... 47  
 Tracy, Nathaniel ..... 23  
 Treadwell, Mehitabel ..... 472, 473  
     Robert Odiorne ..... 473  
     William Earl ..... 472, 473  
 Trecothick ..... 426  
 Trecothick, ———— ..... 31  
     John ..... 31  
 Tripe, Richard ..... 454, 455  
 Tucker, Lemuel ..... 58  
 Tufton, Thomas Sackville ..... 111, 112  
 Tuftonborough ..... 3, 51, 62, 152  
     159, 312, 423  
 Twombly, John ..... 32, 33  
  
 Underhill, John ..... 2, 151  
 Unity ..... 292, 293, 425, 815, 818  
 Upper Coos ..... 196  
  
 Varnum, Benjamin ..... 395, 396

- Vaughan, George . . . . . 47  
 William . . . . . 208  
 Wadleigh, Jonathan . . . . . 794, 795  
 Wakefield . . . . . 3, 51, 104, 150, 152, 191  
     249, 312, 423, 440, 519, 738, 741  
 Walcott, Elijah . . . . . 345  
 Waldron, Isaac . . . . . 741  
     John . . . . . 62, 84, 152, 311  
     312, 455, 508, 740  
     Thomas Westbrook . . . . . 341, 793  
 Walker, Timothy . . . . . 1, 2, 6, 34, 57  
     347, 481, 482, 511  
     Timothy, Jr. . . . . 347, 348  
 Wallace, ——— . . . . . 537  
     James . . . . . 797  
     Matthew . . . . . 4, 63  
     Robert . . . . . 3, 63, 153, 311, 439  
     482, 508, 511, 740  
     Samuel . . . . . 208  
     William . . . . . 217, 313, 509, 741  
 Wallingford, Elizabeth . . . . . 235, 236  
     841, 842  
     John . . . . . 123  
     Thomas . . . . . 235, 236, 841  
 Walpole . . . . . 1, 52, 61, 114, 151, 154  
     214, 224-226, 236, 248, 250, 313  
     346, 425, 441, 450, 509, 738, 742  
 Walton, George . . . . . 124  
 Ward, Benjamin . . . . . 467  
     Joseph . . . . . 740  
 Warner . . . . . 3, 62, 153, 280, 313  
     424, 509, 554, 742  
 Warner, Daniel, 405, 509, 537, 734, 741  
     Jonathan . . . . . 143, 404, 405  
 Warren . . . . . 5, 154, 314, 426, 441, 532  
 Warson, Thomas . . . . . 358  
 Washington . . . . . 4, 50, 51, 63, 93  
     154, 250, 280, 287, 313, 348, 425  
     441, 474, 480, 517, 738, 766, 808  
 Washington Gore . . . . . 280, 281  
 Water-queche Falls . . . . . 783  
 Water-queche River . . . . . 115  
 Watson, John . . . . . 734  
 Weare . . . . . 4, 63, 153, 249  
     328, 424, 440, 738  
 Weare, Meshech . . . . . 1, 17, 547, 548  
     Nathaniel . . . . . 498, 575  
     Peter . . . . . 313  
     Redford . . . . . 548  
     Thomas Wilbird . . . . . 548  
 Webb, Azariah . . . . . 259, 339, 354, 355  
 Webber, William . . . . . 209  
 Webster, David . . . . . 573, 574  
     Ebenezer . . . . . 61, 151, 209, 311  
     498, 508, 575, 741  
     Jonathan . . . . . 209  
     Samuel . . . . . 397  
 Weeks, Joshua . . . . . 508, 741  
     William . . . . . 62, 237  
 Welch, Joseph . . . . . 151  
 Wellman, James . . . . . 509  
 Wells, Edward . . . . . 700  
     Stephen . . . . . 132  
 Wendell . . . . . 425, 555, 815, 816  
 Wendell, John . . . . . 571, 572  
 Wentworth . . . . . 5, 64, 154, 239, 250  
     314, 426, 533, 535, 822  
     Elizabeth . . . . . 155  
     George . . . . . 509, 513  
     J . . . . . 16  
     Joanna . . . . . 560  
     John . . . . . 1, 16, 61, 257  
     309, 364, 560, 823  
     Jonathan . . . . . 3, 62  
     Joshua . . . . . 20, 50, 61, 151, 226  
     248, 294, 311, 404, 405  
     Mark Hunking . . . . . 31, 32, 155, 426  
     Samuel . . . . . 560  
     Thomas Millet . . . . . 560  
     Tilley . . . . . 560  
 West, Benjamin . . . . . 265, 273  
 Westmoreland . . . . . 4, 63, 140, 144, 154  
     223, 425, 441, 509, 574, 738, 742  
 Westford . . . . . 353  
 Wheeler, Moses . . . . . 767  
     Solomon . . . . . 152, 312  
 Wheelock John . . . . . 20, 226, 272  
 Whipple, Joseph . . . . . 64  
     Moses . . . . . 441  
 Whitcomb, Elisha . . . . . 4, 63, 250  
     294, 510, 742  
     Jonathan . . . . . 530  
 White, Mary . . . . . 157  
     Philip . . . . . 157  
     Phillips . . . . . 509  
     Samuel . . . . . 397-399  
     Samuel, Jr. . . . . 397-399  
     William . . . . . 61  
 White River Falls . . . . . 338, 403, 548, 549  
 Whiting, Benjamin . . . . . 42  
     Leonard . . . . . 42, 87, 88, 219  
 Whitney, Joshua . . . . . 258  
     Levi . . . . . 297  
 Whittemore, Amos . . . . . 756, 830  
 Wiggin, Jonathan . . . . . 741  
     Mark . . . . . 2, 152  
     Simon . . . . . 312, 350, 351  
 Wilbur, Joseph . . . . . 4  
 Wild Ammonoosuc River . . . . . 502, 503  
 Wilkins, John . . . . . 135  
     Samuel . . . . . 357, 554, 734  
 Willard, Allen . . . . . 175  
     Josiah . . . . . 234, 235  
     Simon . . . . . 4, 63, 250, 475  
 Willey, Abel . . . . . 459, 460  
 Wilson, Daniel . . . . . 209  
     Jesse . . . . . 209  
     Joshua . . . . . 563, 564  
 Wilton . . . . . 4, 63, 153, 249, 313, 434  
     440, 451, 509, 738, 742  
 Winch, Caleb . . . . . 250, 313  
 Winchendon, Mass. . . . . 451  
 Winchester . . . . . 4, 63, 154, 250, 313  
     343, 425, 441, 509, 742  
 Windham . . . . . 2, 152, 312, 422, 440, 741  
 Windsor, Vt. . . . . 139  
 Wingate, John . . . . . 32  
     Joshua . . . . . 249, 294  
     Moses . . . . . 560  
 Winn, Abiather . . . . . 206

- Winnepesaukee River . . . . . 528  
 Winslow, Isaac . . . . . 358  
 Wire, Robert . . . . . 214, 346, 394, 395  
 Wolfeborough . . . . . 3, 51, 62, 152, 312  
     423, 549, 550, 775  
 Wood, Abraham . . . . . 475  
 Woodbury, James . . . . . 356  
 Woods, Henry . . . . . 451  
 Woodward, Bezaleel . . . . . 16, 226, 284  
     Ithamar . . . . . 756  
 Woodworth, Ruel . . . . . 545, 546  
 Worcester, Mass. . . . . 258  
 Worcester, Francis . . . . . 61, 248, 250, 311  
 Worcester, Noah . . . . . 64  
 Works, Samuel . . . . . 63, 154  
 Wright, David . . . . . 135, 136  
 Wyman, Aaron . . . . . 209  
     Daniel . . . . . 209  
     Jesse . . . . . 209  
     Josiah . . . . . 209  
 Young, ——— . . . . . 537  
     John . . . . . 4, 23, 63, 130, 131, 154, 441  
         502, 503, 565, 566, 742, 790, 791  
     Nathan . . . . . 63  
     Richard . . . . . 259, 339  
     Samuel . . . . . 314, 365, 510











